

STATE OF CALIFORNIA  
MEETING OF THE  
CALIFORNIA INSPECTION & MAINTENANCE REVIEW  
COMMITTEE

Tuesday, November 22, 2005  
California Air Resources Board  
1001 I Street, Sierra Room  
Sacramento, California

1 **MEMBERS PRESENT:**

2 VICTOR WEISSER, Chairman

3 TYRONE BUCKLEY

4 DENNIS DECOTA

5 JOHN HISSERICH

6 GIDEON KRACOV

7 JUDITH LAMARE

8 ROGER NICKEY

9 JEFFREY WILLIAMS

10  
11 **MEMBERS ABSENT:**

12 PAUL ARNEY

13 CHUCK FRYXELL

14 BRUCE HOTCHKISS

15 ROBERT PEARMAN

16 **ALSO PRESENT:**

17 ROCKY CARLISLE, Executive Officer

18 JANET BAKER, Administrative Staff

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3                   P R O C E E D I N G S

4       CHAIR WEISSER:   Okay, ladies and gentlemen, I'd like to  
5       call to order the November 22<sup>nd</sup>, 2005 meeting of the  
6       Inspection and Maintenance Review Committee.   As you can  
7       see, at the dais, we'll be introducing ourselves *momentito*.  
8       We do have a quorum.   We are expecting Mr. DeCota to arrive  
9       in about an hour.   Other members of the Committee have  
10      alerted us that they will be unable to attend today, and  
11      those include Mr. Fryxell, Mr. Hotchkiss, Mr. Pearman, and  
12      Mr. Arney, and they all have good excuses for their  
13      absence, and we hope to see them all at our next meeting.  
14      And while I'm on that subject, ladies and gentlemen, our  
15      next meeting is scheduled for December, but consistent with  
16      our past practice, I think we should forgo our December  
17      meeting and move to January.   So I'm gonna ask for a motion  
18      for that to occur, and I want to thank Mr. Hisserich for  
19      making the motion and Ms. Lamare for seconding. Is there  
20      any discussion?   Hearing none, all in favor.

21      ALL MEMBERS:   Aye.

22      CHAIR WEISSER:   Any opposed?   None, the motion carries.  
23      Our next meeting will be in January.   Let's go around the  
24      table and introduce ourselves starting from the far right.  
25      Appropriately seated is Gideon Kracov.   Gideon?

1 MEMBER KRACOV: Did that sound political on that last  
2 statement? My name is Gideon Kracov. I'm a public member  
3 and I've told Vic I regret, but I have to leave at 2:15  
4 today.

5 MEMBER LAMARE: Jude Lamare, Senate Rules Appointee.

6 CHAIR WEISSER: I'm Vic Weisser, your Chair.

7 MEMBER HISSERICH: I'm John Hisserich, a public member.

8 MEMBER WILLIAMS: I'm Jeffrey Williams, a public member.

9 MEMBER BUCKLEY: Tyrone Buckley, a public member.

10 MEMBER NICKEY: Roger Nickey, industry member.

11 CHAIR WEISSER: Excellent.

12 - oOo -

13 Ladies and gentlemen, I'd like you to move your attention  
14 to the minutes of the meeting of October 26, 2005. Has  
15 everyone had a chance to review those minutes?

16 COMPUTER: McLoughlin is now joining.

17 CHAIR WEISSER: Okay, we are being web cast, and we will have  
18 phone connections. We will hear people coming on and off  
19 during the day, so get used to that.

20 MEMBER HISSERICH: I move approval of the minutes of the meeting  
21 of October 26th.

22 CHAIR WEISSER: Thank you, Mr. Hisserich. Is there a second?

23 MEMBER LAMARE: Second.

24 CHAIR WEISSER: Ms. Lamare seconds. Is there any discussion of  
25 the minutes? Hearing none, all in favor of adoption,

1       signify by saying aye.

2 ALL MEMBERS:   Aye.

3 CHAIR WEISSER:   Any opposed?   Hearing none, the meeting minutes  
4       are approved unanimously.   Ladies and gentlemen, before we  
5       move into the guts of the agenda, it just struck me that  
6       today is November 22<sup>nd</sup>, and for those folks that grew up  
7       when I grew up, November 22<sup>nd</sup> portends an evil day in  
8       American history: the day that President Kennedy was shot  
9       and killed in Dallas, and I'd like to take 10 or 15 seconds  
10      of silence to commemorate that event.   Thank you very much.

11                   - o0o -

12       Rocky, we'll now move into your activity report.

13 MR. CARLISLE:   Thank you, Mr. Chairman.   Before we start, I'd  
14       like to also mention that the meeting's being web cast  
15       today.   In addition, we have a teleconference going on, and  
16       for those that want to teleconference, they can call in on  
17       the number.   It's 8-6-6 8-1-9 0-7-3-4, and then they have  
18       to enter the password of 9-1-2-7-7-4.   And we actually have  
19       a presentation that's going to be made via that  
20       teleconference later on.

21 CHAIR WEISSER:   Rocky, could you repeat those numbers?

22 MR. CARLISLE:   Telephone number is 8-6-6 8-1-9 0-7-3-4.   The  
23       pass code is 9-1-2-7-7-4.   Okay, onward and upward, then,  
24       with the activities this last month.   You know, we've had  
25       Steve Gould participating in our activities now as our

1 consultant, so we've actually been able to accomplish a lot  
2 more. One of the things we've been working on in the past  
3 was the state comparison, and it was suggested at the last  
4 meeting that we take and just pick out a few states that  
5 are closely compared to California. So we did so and we  
6 ended up selecting Texas, New York, North Carolina,  
7 Massachusetts, Georgia, Connecticut, and Ohio. And each  
8 one of these states - first of all, they exceed 1,000,000  
9 vehicles for test and they're all decentralized programs.  
10 In reality, that's probably where the comparison ends.  
11 This is kind of an overview of some of the differences.  
12 For example, the model years tested. You have Connecticut  
13 testing 25 years and newer. Georgia, on the other hand, is  
14 testing 1981 to 2002, and I'm not going to take the time to  
15 read them all, but you can see there from that spreadsheet  
16 the various data. You also have the vehicles subject to  
17 testing anywhere from 1,000,000 to 13,000,000 in the state  
18 of Texas. Test frequency was kind of interesting. If you  
19 notice, there's three states that are bi-annual and four  
20 states that are annual, and that kind of indicates to me  
21 that annual testing is not an impossibility. We'll see, I  
22 guess, for California.

23 CHAIR WEISSER: Rocky, is that annual testing for all model  
24 years that fall within the testing period, the eligible  
25 testing period?

1 MR. CARLISLE: Correct.

2 CHAIR WEISSER: Thank you.

3 MR. CARLISLE: In addition, you have states that are doing OBD  
4 II testing, 1996 and newer. They're doing OBD only. If  
5 you notice, out of the seven, there's only one, that's New  
6 York, that's not doing exclusively OBD II on 1996 and newer  
7 vehicles. The question also came up about safety  
8 inspections, and once again, we have four states doing  
9 safety inspections and three states doing no safety  
10 inspections. The average inspection cost varies from a low  
11 of about \$19.50 to, what, \$37 in New York. And I should  
12 point out, this is the New York City area. This doesn't  
13 include upstate New York. Upstate New York is a little bit  
14 different. We also have the average repair cost. In some  
15 states that date is not available, but others it was. So  
16 for example, Connecticut, the average repair cost for those  
17 being tested is \$450. Georgia's \$425. Ohio, it's \$400.  
18 And then, of course, in Texas, it's \$480, and that includes  
19 their assistance program, their Repair Assistance Program.  
20 The other issue that's come up lately was the repair cost  
21 limit. You can see here in Connecticut it's \$660, as  
22 opposed to Georgia's \$689. Some fairly high cost repair  
23 limits, but then you have Massachusetts. It's a little bit  
24 lower and it's also - It's also -

25 CHAIR WEISSER: Excuse me, Rocky. Janet, is - could you go back



1           and check and see what - go on, Rocky.

2 MEMBER NICKY: I have a question.

3 MR. CARLISLE: Yes.

4 MEMBER NICKY: It doesn't indicate here what kind of tests. Are  
5           these ASM tests or statics?

6 MR. CARLISLE: On 96 and newer, it's OBD II only.

7 MEMBER NICKY: I see that, but the rest of the states, it  
8           doesn't indicate what kind of test they're doing.

9 MR. CARLISLE: It's going to be ASM for the most part. I  
10          believe it was ASM.

11 CHAIR WEISSER: Thank you, Roger. We need to remember to  
12          identify ourselves before we speak, unless you're me and  
13          you talk all the time, so the transcriber gets a good  
14          chance of figuring out who's saying what.

15 MR. CARLISLE: Right. Another question was asked by Mr. Pearman  
16          at one meeting.

17 CHAIR WEISSER: She's checking. Janet's trying to fix the -

18 MR. CARLISLE: Mr. Pearman asked -

19 CHAIR WEISSER: It's feedback?

20 MALE: It's trailing what we're saying.

21 MR. CARLISLE: Okay, it appears to be fixed. Mr. Pearman had  
22          asked the question some time ago, that if other states had  
23          a separate penalty above and beyond or separate from the  
24          DMV penalty for late registration or late Smog Check and  
25          indeed, some do. For example, Connecticut is \$20 penalty,

1 Massachusetts ranges anywhere from \$50 to \$100, and you can  
2 see the highest is Texas at \$350. Now, most of these rely  
3 on enforcement, again, kind of like California. If you  
4 have no tags, they require law enforcement to actually  
5 write a citation and come up with the penalty. The sticker  
6 is actually on the windshield where those states have  
7 safety inspections, so that's where they get that extra  
8 penalty.

9 CHAIR WEISSER: So it's a "don't mess around with Texas" kind of  
10 thing?

11 MR. CARLISLE: Absolutely. It's pretty expensive. Another  
12 question was RSD, how many states use RSD. As you can see  
13 here, there's three states that are currently using RSD,  
14 not all the same. Connecticut - I'm going to go into these  
15 a little bit different, a little bit more in detail, but  
16 some of them use them for statistical purposes only, others  
17 use them for clean screen, and others use them for dirty  
18 screen. So as far as RSD, you can see it's used for  
19 program evaluation, and what they do is, one week out of  
20 the year, they capture data from 17,000 vehicles and they  
21 end up with about 10,000 that are subject to inspection to  
22 do their program evaluation on. In Georgia, it's a little  
23 bit different. They take off-cycle tests. They use 100  
24 vehicles for off-cycle, and the way they select these: if  
25 it's gone through the RSD at least twice and it's failed it

1       two times the standard, then they're selected.

2 CHAIR WEISSER:   Excuse me, Rocky.   You say it's off-cycle, but

3       Georgia has an annual program.

4 MR. CARLISLE:    Correct.

5 CHAIR WEISSER:    So they get them kind of mid-year?

6 MR. CARLISLE:    Yes.

7 CHAIR WEISSER:    Okay, thank you.

8 MR. CARLISLE:    And then they bring these vehicles in for

9       testing, and as you can see, 80 percent fail the tailpipe

10      test.   In contrast, zero percent fail the OBD II test.

11      Scary statistic.   I don't have all the particulars on these

12      tests, techniques, and the remote sensing results, so.

13 CHAIR WEISSER:    I mean, as a layperson, does that mean that the

14      OBD test is just not picking up these failures?

15 MR. CARLISLE:    That's a possibility, yes.   But again, I don't

16      have all the data.   This is just - we basically call these

17      states to ask how they use remote sensing.

18 CHAIR WEISSER:    Okay, thank you.

19 MR. CARLISLE:    Uh-huh.   New York simply for statistical

20      purposes, and finally Texas.   If you're a commuter going

21      from a basic area to an enhanced area and you happen to

22      fail the remote sensing, then they bring you in for a test.

23      As far as separate penalties, again, Connecticut is at \$20

24      and it's a new program, so they really didn't have any data

25      to provide us.   Massachusetts ranges anywhere from \$50 to

1       \$100 and they use separate smog and safety stickers, and  
2       once again, it's enforced by the police department. New  
3       York, there's a \$75 fine if you fail to have the safety  
4       sticker on your windshield. North Carolina, a little bit  
5       different, \$250 fine if you're four months late. And then  
6       finally, Texas, again, is \$350, and this is the safety  
7       sticker that's issued as a part of the Smog Check program.  
8       If you don't have that displayed, it's a \$350 fine.

9 CHAIR WEISSER: Rocky, did you get information, or will you be  
10       covering information associated with the composition of the  
11       safety programs that are linked with Smog Check?

12 MR. CARLISLE: I have some of that information, yes.

13 MEMBER HISSERICH: This is John Hisserich, if I may. Just, do  
14       you have any - could you find out how many of those fines  
15       are imposed? I mean, that \$350, that's pretty hefty fine,  
16       but do they have any record, I mean, like thousands of  
17       these that fall into that?

18 MR. CARLISLE: That I don't have the data on.

19 MEMBER HISSERICH: I'd be interested, if you get a chance to  
20       find out.

21 MR. CARLISLE: We can certainly follow up.

22 MEMBER HISSERICH: Okay.

23 MR. CARLISLE: Other activities: we completed the draft  
24       report of -

25 CHAIR WEISSER: Excuse me, Rocky, before you leave this.

1 MR. CARLISLE: Yes?

2 CHAIR WEISSER: Because I find this to be fascinating. I'd like  
3 to return to the very first chart, the overview chart, and  
4 for folks that aren't here or don't have a web cast where  
5 they can see this stuff, let's just match California. The  
6 model years tested in California are -

7 MR. CARLISLE: 76 and newer.

8 CHAIR WEISSER: - 1976 through 1998.

9 MR. CARLISLE: No, it'd be 2000 now.

10 CHAIR WEISSER: 2000.

11 MR. CARLISLE: 2006 model year is out.

12 CHAIR WEISSER: Oh, that's right.

13 MR. CARLISLE: We have -

14 CHAIR WEISSER: And how many vehicles approximately would that  
15 be?

16 MR. CARLISLE: The last figure was 23,000,000. There's  
17 indication that may be pushing upwards of 25,000,000. I  
18 don't have any data to support that yet. That's just some  
19 analysis that Steve's doing.

20 CHAIR WEISSER: Can you give - can you give the Committee your  
21 recollection of what the various safety inspection programs  
22 in the four states among these that have safety  
23 inspections, what they cover?

24 MR. CARLISLE: They covered brake inspection, tire inspection,  
25 windshield glass, and lighting, for the most part.

1 CHAIR WEISSER: Are they all similar or are they -

2 MR. CARLISLE: They're similar, but there was some variance in  
3 them as far as how in-depth the inspection was, because  
4 some of these states, they don't charge a lot for the  
5 inspection. Consequently, it'd be impractical - pull, you  
6 know, the wheels off to check brakes and things like that.

7 CHAIR WEISSER: I'd like the details behind this, if you could  
8 send that to me and, in fact, to the other Committee  
9 Members. Whatever you have, that would be -

10 MR. CARLISLE: At the next break, I can provide them.

11 CHAIR WEISSER: Oh, really?

12 MR. CARLISLE: Or right after lunch, either one.

13 CHAIR WEISSER: Oh, okay, cool. One moment. Let me just finish  
14 running through this. And California's comparable average  
15 inspection cost would be?

16 MR. CARLISLE: It's about \$48.75 as of the last report.

17 CHAIR WEISSER: And that's, of course, without a safety  
18 inspection?

19 MR. CARLISLE: That's without a safety inspection, that's  
20 without the certificate, because these - in many cases,  
21 these inspection costs also include the certificate.

22 CHAIR WEISSER: They do? And the average repair cost in  
23 California?

24 MR. CARLISLE: I believe it's about \$180, but I'll have to  
25 verify that.

1 CHAIR WEISSER: Why is that so far out of line with the average  
2 repair costs in the other states?

3 MR. CARLISLE: Without doing some analysis, I don't know, but  
4 fair question.

5 CHAIR WEISSER: Repair cost limits, California is?

6 MR. CARLISLE: \$450.

7 CHAIR WEISSER: So we're the same as New York, 50 percent below,  
8 you know, about plus or minus Texas, and Georgia and  
9 Connecticut, and we have no late fee, nor of course, do we  
10 really use RSD at this point. Tyrone?

11 MEMBER BUCKLEY: Thank you, Chairman. I was wondering if you  
12 knew if any of these states had CAP programs?

13 MR. CARLISLE: Consumer Assistance, yes. The state of Texas has  
14 some type of assistance program. I don't know the  
15 specifics of it. That's all?

16 CHAIR WEISSER: Any other questions from the Committee Members  
17 on this portion? Okay, we'll have public able to ask  
18 questions after Rocky finishes. I think this is marvelous  
19 data, and I want to compliment you and our consultant for  
20 the work you've done on this. What I'd like to see you do  
21 on this chart is add a California column, so the reader  
22 will have - it'd be easier for the reader to make  
23 comparisons between us and these other states that you've -  
24 that you've selected. Thank you, Rocky. Please proceed.

25 MR. CARLISLE: You're welcome. So some of the other activities

1 we've been working on. We completed the draft report for  
2 the preconditioning survey, and we're gonna discuss that in  
3 detail a little bit later on. I also discussed the cut  
4 point report with Phil Heyriggs from Sierra Research.  
5 There was a lot of question, a lot of concern, about that  
6 report, and I thought it would be good if we had the author  
7 of the report here to answer the questions. And he's  
8 agreeable to it, but he does have to get approval from the  
9 Bureau of Automotive Repair and of course, the Air  
10 Resources Board, so it's possible that we'll have him here  
11 in January. We also contacted seven consumer groups with  
12 regard to AB 386 to see exactly what their concerns are  
13 with that bill, discuss that with them. The enforcement  
14 monitor report -

15 CHAIR WEISSER: Excuse me, Rocky. The consumer groups are going  
16 to be coming later today to chat with us?

17 MR. CARLISLE: Yes.

18 CHAIR WEISSER: Thank you.

19 MR. CARLISLE: The enforcement monitor's report is out, and I  
20 did mail copies of that to each Committee Member. It is  
21 now posted on our website as well. I've also been  
22 researching -

23 CHAIR WEISSER: Excuse me, if I can interrupt you there. What  
24 happens now with the enforcement monitor report, Rocky? Do  
25 you know?



1 MR. CARLISLE: This is the initial report, and there's going to  
2 be a public hearing on December 7<sup>th</sup>. The final report is  
3 not actually due until December of 2006.

4 CHAIR WEISSER: Where's that public hearing on the enforcement  
5 monitor report going to be held on Pearl Harbor Day?

6 MR. CARLISLE: I have not been able to determine that yet.

7 CHAIR WEISSER: When you find that, Rocky, I think it would be a  
8 good idea for you to get the word out as broadly as  
9 possible.

10 MR. CARLISLE: Oh, I will, yes.

11 CHAIR WEISSER: I think this report is going to be generating a  
12 lot of interest and I really want us to keep on top of the  
13 nature of the comments that it catalyzes and I assume  
14 you'll be attending the hearing, wherever it is held.

15 MR. CARLISLE: Yes.

16 CHAIR WEISSER: Okay, thank you.

17 MR. CARLISLE: The other issue with regard to that. If you  
18 recall, in our 2004 report, we did allude to the fact that  
19 we wanted to do a topic on enforcement, but we deferred  
20 that until the enforcement monitor's report had been  
21 published, so that is now out there.

22 CHAIR WEISSER: So, probably a good idea to place that issue on  
23 the agenda in January for discussion and to ask the Bureau  
24 to provide us with a presentation on the report and a  
25 review of what occurs at the public hearing on it.

1 MR. CARLISLE: Okay. Another activity was researching sources  
2 for grant money. Jude Lamare had suggested we do that. It  
3 is legal, according to our legal counsel, and so I've been  
4 looking for those sources, and suffice it to say there's  
5 billions of dollars out there. It's just whether they fit  
6 into the parameters of this Committee, so I haven't found  
7 anything specifically yet, but I'm still looking. I also  
8 created a data and an information tracking database so that  
9 when we have questions or requests for data for Air  
10 Resources Board, for the Bureau of Automotive Repair, or  
11 any other entity, that we can access it easier, so that's  
12 going to simplify life a little bit. And I also purchased  
13 maintenance and emission handbooks from the International  
14 Registration Plan. That is also another issue, and they  
15 just recently came out with these handbooks on the  
16 Internet, so they're on order. I should have them in  
17 another two weeks.

18 CHAIR WEISSER: Why should I care about that?

19 MR. CARLISLE: I'm going to explain that later on.

20 CHAIR WEISSER: Very good.

21 MALE: Film at 11.

22 MR. CARLISLE: Another thing that Steve and I were discussing,  
23 and he actually started looking at the website at BAR to  
24 track to see what was going on with the testing volume. So  
25 you might ask what motivated our quick review, and it was

1 simply testimony from a concerned industry, and I don't  
2 blame them. You know, their volume has been decreasing, so  
3 we were just curious if we could see on a snapshot view of,  
4 you know, what the impacts are. So what we reviewed was  
5 one month of testing over an eight-year period from 1998 to  
6 2005. We picked the month of August. So a quick overview.  
7 If you look at 1998, that was the baseline. There was  
8 three quarters of a million test, in round numbers. In  
9 1999, there was a nine percent increase, and you can see  
10 how, as it goes down, you had a seven percent increase, a  
11 six percent. Then you run into a couple of decreases,  
12 another increase, and finally a big 14 percent decrease in  
13 2005. Bottom line, you had an 8.14 percent gain from 1998  
14 to 2005 in total tests. So we looked at some more  
15 information. Looked at station type, number of  
16 technicians, that kind of thing, and also tests per  
17 station, and if you notice, you had a growth also in total  
18 stations and even the tests per station. In spite of the  
19 growth, the tests per station actually increased from 1998  
20 to 2005, once again. You also had an increase in the  
21 number of technicians, and off to the right, we show the  
22 techs per station averaged 1.4 up to 1.5 in 2005. But what  
23 was the reality for station type? I'll get to that in a  
24 second. So this shows the tests per station actually  
25 increased 2.99 percent. Technicians grew, the number of

1 technicians grew, by ten and a half percent. And the techs  
2 per station was increased by seven percent. So in 2005,  
3 this is what you end up with when you actually break it  
4 down by station type. In 1998, the regular test and repair  
5 station was testing about 98 tests per month, or performing  
6 98 tests per month. Test only station was doing 344.

7 CHAIR WEISSER: Wow.

8 MR. CARLISLE: And the other category was actually a combination  
9 of the Gold Shield, the GPC, the GSGR. Back in 98, you had  
10 this -

11 CHAIR WEISSER: Rocky, back up. I know what a Gold Shield is.

12 MR. CARLISLE: Right, it was the Gold Shield, it was the Gross  
13 Polluter Certification station, it was the Gold Shield  
14 Dealer Station. There was all these subtypes that were  
15 created back then to accommodate the program, because the  
16 CAP program hadn't been completely formalized. So we just  
17 added those in the other category. It's a small number of  
18 stations, but nevertheless important. So you end up in  
19 2005 now. Regular test and repair stations are doing about  
20 64 tests per month, test only have dropped to 261 and  
21 others have dropped down to 74, and here is the reality.  
22 From 1998 to 2005, when you look at the regular stations,  
23 they've decreased their volume by 35 percent, test only by  
24 25 percent, and other stations by about 26 percent. And  
25 this is really more a function of the marketplace than

1 actually losing cars from the program, because you notice  
2 you have an increase, first of all, in overall stations and  
3 you had a huge increase from 1998 to 2005 in test-only  
4 stations. So they're essentially sharing the same number  
5 of tests among a few, you know, a smaller number of  
6 stations.

7 CHAIR WEISSER: Jude?

8 MEMBER LAMARE: Rocky, is the table reality in 2005 reflect  
9 first tests only?

10 MR. CARLISLE: It's first test only, yes.

11 MEMBER LAMARE: Thank you.

12 MR. CARLISLE: And I should mention too, it only covers enhanced  
13 and basic areas. It does not include the Change of  
14 Ownership program.

15 CHAIR WEISSER: Other questions from Committee Members? Okay,  
16 I've got a couple. Can you go back to the first chart  
17 again, Rocky? What happened, do you think, in 2002 and  
18 2003 to change what had been a program modestly growing in  
19 terms of the percentage, the number of first tests, to a  
20 program that was slightly declining?

21 MR. CARLISLE: I should have looked that up. That might have  
22 been -

23 CHAIR WEISSER: Good job, Janet.

24 MR. CARLISLE: That was good. That might have been when  
25 additional cars came out of the program, but I'd really

1       have to go back and research that.

2 CHAIR WEISSER: And 2004, is that a reflection of the Bay Area  
3       coming in to-?

4 MR. CARLISLE: I believe it is, yes. Because they actually came  
5       in in the end of 2003. So since the - they actually came  
6       in after August in 2003, so they wouldn't have been  
7       reflected in -

8 CHAIR WEISSER: Well, they - actually, now that I think of it,  
9       they would be. They were being tested. It was just being  
10      - they weren't being tested on dyno.

11 MR. CARLISLE: ASM, correct.

12 CHAIR WEISSER: So that shouldn't have impacted the number then,  
13      right?

14 MR. CARLISLE: Shouldn't have, but other areas were added about  
15      that same period of time.

16 CHAIR WEISSER: Ah, okay. And one moment, and I'll - Jeff, and  
17      I'll hand it over to you. 2005, is the -

18 MR. CARLISLE: SB 1107 bill.

19 CHAIR WEISSER: Is that what you're - these are the additional  
20      exemptions. At least that's what you believe?

21 MR. CARLISLE: Correct.

22 CHAIR WEISSER: Jeffrey?

23 MEMBER WILLIAMS: I just want to point out, in analyzing these  
24      differences across August when it's, like, one percent,  
25      that could just be how many Sundays are in the month.

1 CHAIR WEISSER: I was - m next series of questions was -

2 MEMBER WILLIAMS: I think all of this is useful, but we're at  
3 that level of differences. The only one that really - the  
4 only ones that are really remarkable are the change from 98  
5 on that ramps up and the 2005 drop. Those are not Sundays.

6 CHAIR WEISSER: Do we have an analysis to see whether Augusts do  
7 result in the sort of change, potential impacts, Jeffrey's  
8 alluding to? Have we done any sort of statistical analysis  
9 to find out what level of change would be considered  
10 significant statistically, a couple of standard deviations  
11 above the mean from variability?

12 MR. CARLISLE: No, we just took a quick snapshot using the  
13 executive summary.

14 CHAIR WEISSER: Okay, and that's - I'm not complaining or  
15 criticizing or anything. I just want to get a good sense  
16 of the data. I'm struck by the, I guess, the overall  
17 conclusion you made at the end of the report, Rocky, that  
18 in fact, the number of cars has remained relatively  
19 constant. It's people entering the market as providers of  
20 test - dividing this relatively steady pie.

21 MR. CARLISLE: Correct.

22 CHAIR WEISSER: Well, it's a shrinking pie in 2005, I should  
23 add.

24 MR. CARLISLE: Yes.

25 CHAIR WEISSER: A dramatically shrinking pie, but up till then,

1       fairly steady. Jude? Okay. Jeffrey?

2 MEMBER WILLIAMS: A similar back of the envelope calculation  
3 would say the number of cars that dropped out in 2005  
4 because of the change in model use covered and the  
5 different regulations about change of ownership is about  
6 100,000, so this sounds about right. And it might be put  
7 in a context of the 15-year and older vehicles. How many  
8 would have been in if there'd been annual testing of those?  
9 I'm guessing, but it's about 75,000 more tests.

10 MR. CARLISLE: Per month?

11 MEMBER WILLIAMS: Per month. Just based on the profiles of age  
12 that we've seen, something like that, so these are both of  
13 comparable magnitude.

14 CHAIR WEISSER: Roger?

15 MEMBER NICKEY: Roger Nickey. Rocky just took away my screen.  
16 I just wanted to point out something. The 2002, 2003,  
17 these two all of a sudden decreases, you've got to remember  
18 in these figures that you're not looking at those years;  
19 you're looking at what happened four years before that,  
20 because the first four years are exempt. The cars that  
21 come up eligible for Smog Check the first time are four  
22 years old. So if there was a decrease in automotive sales,  
23 which would result in a decrease of Smog Check, it would  
24 have happened four years ago, and now six years ago. So  
25 when you look at statistics, you can't say, well, gee, we



1       went down in 2000. What happened in 2000? You gotta look  
2       at what happened in, my God, 1998. Were we having an  
3       economic downturn then? Were car sales down? What  
4       happened then?

5 MR. CARLISLE: Good point.

6 CHAIR WEISSER: Very good point. Okay, Rocky, please continue.

7 MR. CARLISLE: Okay, so activities yet to be completed. We're  
8       still looking at the unregistered delinquent vehicles, and  
9       I recently received a file from Jeffrey Williams with  
10      24,000 vehicles whose registrations were due in November  
11      2004 that are currently late. But we're going to find out  
12      how many are currently registered, how many are non-ops,  
13      see if we can calculate the attrition, maybe moved out of  
14      state, and those vehicles that are scrapped, because all  
15      that goes back to, you know, program avoidance, what may be  
16      program avoidance, but on the other hand, may be legitimate  
17      reasons for the vehicle not being smogged. Again, we're  
18      looking at the model specific cut points. Jeffrey Williams  
19      is also working on the comparison of test-only and test and  
20      repair stations. And the good news is, with two months,  
21      actually, to work with no meeting in between, we'll  
22      actually be able to accomplish a lot of this, so having  
23      said that -

24 CHAIR WEISSER: Is that a - is that a hint as to desired change  
25      in our schedule from our staff?

1 MR. CARLISLE: Not at this time.

2 CHAIR WEISSER: Okay, are there questions on any aspects of the  
3 report from Members of the Committee that they haven't  
4 asked just yet? First of all, I want to compliment you and  
5 the consultant for doing a lot of work, and I find this  
6 analysis particularly helpful in, you know, frankly  
7 challenging some ideas or concepts I had going into today  
8 and giving me at least a little firmer understanding of  
9 what the reality is out there. I'd like to open up the  
10 questions, however, to the public, and we'll start with a  
11 new person here. Len, I haven't seen you for a while, Mr.  
12 T.

13 MR. TRIMLETT: Guest commentator. Thank you. Len Trimlett.  
14 Rocky, could you put back the things? Okay, now, start  
15 with this one. Start with this one. Okay, if you say the  
16 decrease in the number of tests. Okay, now go back to the  
17 last one. Okay, there. Okay, if you compare this number  
18 of tests here, tests per station, okay. To me, I think  
19 that this reflects the fact that we had a large number of  
20 exemptions for new cars - four years and six years, but  
21 what needs to be done as a next stage is take the  
22 statistical data on levels of pollution throughout the  
23 state, air quality standard - air quality monitoring and  
24 compare what has happened to the air quality versus the  
25 decrease in the number of tests. You've exempted four and

1 six year cars, okay. What did that do to the air quality?  
2 You can see the number of tests went down, but there was an  
3 assumption made that these cars are clean cars and they  
4 don't have a lot of problems, the new ones. The question  
5 is, is that really true? And so what I'm suggesting is  
6 that a good follow-up here would be to compare this data  
7 with ambient air quality, and that data should all be  
8 available. Does that sound like a reasonable thing?

9 CHAIR WEISSER: Yes and no. The no part is you're assuming a  
10 direct linkage between this portion of the overall state  
11 emission control system, including emission controls on  
12 stationary sources and economic activity and a whole  
13 variety of other things, and it would be difficult to  
14 correlate the impact specifically of the Smog Check program  
15 to overall movement of our air quality. My understanding  
16 of what's occurred in air quality over the last decade is  
17 that, with one notable exception, ambient air quality has  
18 been improving rather dramatically in all of our areas,  
19 that one dramatic exception being in the San Joaquin  
20 Valley, where we are facing some very difficult issues. If  
21 I'm incorrect, I'd love somebody from the Air Resources  
22 Board to wave their hand and come up and clarify. Ah, and  
23 I see Sylvia. If you could just step aside and we'll save  
24 your time.

25 MR. TRIMLETT: I have one more question.

1 CHAIR WEISSER: And we'll get back to you.

2 MS. MORROW: I'm Sylvia Morrow with the California Air Resources  
3 Board. Even in the San Joaquin Valley - if you look at the  
4 Air Resources Board's website, we do have a listing of air  
5 quality transfer, all the non-attainment areas in  
6 California, and in the past two years at least, the San  
7 Joaquin Valley has improved their air quality dramatically,  
8 and you can - if you look at the trends on the website,  
9 about two years ago, things kicked in and San Joaquin  
10 lowered not only their number of one-hour violations, but  
11 the magnitude of them, so they are improving. And as we  
12 know, the South Coast Air District also, even they have had  
13 great improvement in their air quality. The Bay Area Air  
14 Quality Management District recently attained not only the  
15 one-hour standard, but recently, the eight-hour standard.  
16 So I think that, you know, if you look in the past, the air  
17 quality is improving. Right now, as you know, we're  
18 transitioning from the one hour standard to a more health  
19 protective eight-hour standard, so now we're at a different  
20 level, but I think that in the future, you know, even the  
21 most areas with the worst problems, and the eight-hour San  
22 Joaquin and South Coast will eventually attain the standard  
23 in the time allotted by EPA.

24 CHAIR WEISSER: We all hope. Len, that's not to say that the  
25 impact of the extended exemptions that occurred last year

1       hasn't had an impact. It's just that in the context of  
2       overall air quality, things are moving in the right  
3       direction.

4   MR. TRIMLETT: Oh, and I'm not questioning that. I'm just  
5       saying that, okay, OBD II has its problems, okay. Now, if  
6       in fact, the assumption was made that the cars are taken  
7       out of the program cause they're cleaner, okay. It seems  
8       to me that this is a good way to verify that that  
9       assumption was correct.

10   CHAIR WEISSER: I guess I actually don't agree with that. I  
11       don't think this data is particularly helpful. What would  
12       be helpful is the use of - in my mind, Len, would be the  
13       use of on-road monitoring to identify, you know, how the  
14       newer vehicles - continue to identify how newer vehicles  
15       are performing and to see whether that fifth and sixth year  
16       in the exemption, what kind of negative effect that has had  
17       on air quality. I don't think you can draw those  
18       conclusions from this data.

19   MR. TRIMLETT: Okay, I -

20   MEMBER HISSERICH: (Overlapping.)

21   CHAIR WEISSER: John, did you have something you wanted to add  
22       on that? Can you pause his time?

23   MR. TRIMLETT: Thank you.

24   CHAIR WEISSER: Oh, okay, no. Is that it?

25   MR. TRIMLETT: Thank you.

1 CHAIR WEISSER: Thanks, Len. I really am appreciative of you  
2 paying attention to the data that's come forward.

3 MEMBER HISSERICH: Well, Rocky, I'm -

4 CHAIR WEISSER: This is John.

5 MEMBER HISSERICH: Yeah, John Hisserich. I was just looking at  
6 the one that's up there right now, and I may have missed it  
7 before.

8 MALE: Push your green (unclear) button.

9 MEMBER HISSERICH: Oh, it's on. It's on. Can I talk right into  
10 it?

11 CHAIR WEISSER: Yeah, that's fine.

12 MEMBER HISSERICH: Okay. I may have missed it. The drop in the  
13 total number of stations, or I should say, the big drop in  
14 the others. I just did the math here and added them up.  
15 So 757 stations disappeared and 1,041 were spread between  
16 regular and test-only. What occurred then that caused that  
17 big shift in the designation of the stations?

18 MR. CARLISLE: What happened was the CAP program was in a trial  
19 period and during that period, we had a number of issues.  
20 One was the gross polluter issue. We needed to be able to  
21 certify gross polluters in areas that didn't have a  
22 convenient referee, so they created the gross polluter  
23 certification stations. They also created Gold Shield  
24 dealer stations. They were a little bit different, and so  
25 you had a number of different sub-type of stations when CAP

1           was first being tried.

2 MEMBER HISSERICH: I remember you saying that, but then some of  
3           those just went away at that juncture. (Overlapping.)

4 MR. CARLISLE: Some of them disappeared because then they  
5           implemented the formal CAP program and then you had to  
6           qualify to play.

7 MEMBER HISSERICH: And then when they qualified, they would then  
8           fall under one of the other two categories and get re-  
9           designated.

10 MR. CARLISLE: Correct.

11 MEMBER HISSERICH: Okay, I just didn't quite understand. Thank  
12          you. Excuse me.

13 CHAIR WEISSER: Thank you. Additional comments from the  
14          audience? Mr. Peters.

15 MR. PETERS: Yes, thank you, Mr. Chairman and committee. My  
16          name is Charlie Peters, Clean Air Performance  
17          Professionals. We're a group of motorists that are  
18          interested in these issues. Mr. Chairman, you brought up  
19          the issue of this report generating out of the Sunset  
20          Review Meeting and indicated that you felt that that  
21          meeting might have some importance. I believe, if you go  
22          to the California Senate website at [senate.ca.gov](http://senate.ca.gov) and go to  
23          legislation - or committees, excuse me - go to committees  
24          and then go to joint committees, you will find the  
25          committee that is addressing this and you will find the

1 general subject matter and the time of that meeting. So I  
2 do perceive that that meeting has potential of being quite  
3 important. I have been going to the Business and  
4 Professions Committees staff for well over a decade and in  
5 my humble opinion, the primary opportunities to improve  
6 program performance, improve how the public's being  
7 treated, generally to provide a more effective program, is  
8 primarily, in my perception, a management issue, an  
9 oversight issue, not necessarily program design. And I  
10 have an opinion that improved oversight could result in  
11 very significant improvements in performance and  
12 improvements in how the program treats the public, so I  
13 have felt for a very long time that the Senate Business and  
14 Professions Committee was an appropriate place to address  
15 that. The Chairman of this joint legislative hearing  
16 happens to be the Chairman of the Senate Business and  
17 Professions Committee, Les Figueroa, so that is when that  
18 meeting takes place. I find all the data that you  
19 presented very interesting. Whether it has anything to do  
20 with program performance at all, I don't know. How many  
21 cars you test, how much you fine the public, those kinds of  
22 issues, whether that has anything to do with prevention of  
23 pollution, fixing cars, I kind of wonder if it has anything  
24 to do with it. The statistics as to how many we're  
25 testing, the question might be how many are we not testing?



1       So I think some additional issues maybe should be  
2       researched and looked at and we may find some - you know, I  
3       oftentimes hear comments about we've picked all the lower  
4       hanging fruit. I think that management and better  
5       utilization of testing cars, maybe, that should be tested,  
6       we may have a very significant harvest that could result in  
7       positive results if we go beyond the usual statistics of  
8       justifying our existence. Thank you.

9 CHAIR WEISSER: Thank you, Mr. Peters. Mr. Rice?

10 MR. RICE: Good morning, Bud Rice with Quality Tune-up Shops.

11       Three quick comments. The first one was the average repair  
12       cost as it relates to California. I think, Mr. Weisser,  
13       you're asking that question and Mr. Carlyle, I think your  
14       response was \$48 and 75 cents, is the California average?

15 MEMBER CARLYLE: No, that was the inspection cost.

16 MR. RICE: Inspection cost, I'm sorry. Excuse me. Now, is that  
17       per station or is that applied to the testing pool, what  
18       people actually paid?

19 MEMBER CARLYLE: That's a weighted average. In other words,  
20       when they - that's based on the query that BAR does of each  
21       station periodically. And then they take that number and  
22       they multiply it by the number of tests they do and then  
23       they average the overall.

24 MR. RICE: Yeah, I don't know that that -

25 MEMBER CARLYLE: So they come up with a weighted average.

1 MR. RICE: I don't know that that's accurate in terms of what do  
2 people pay. And if you applied that across the public, I  
3 doubt if that \$48 and 75 cents was the actual number people  
4 paid across the testing pool. That was my comment there.  
5 Second one was about the average smog check over eight  
6 years, and there was a 14.10 percent decrease, and I think  
7 that the conclusion was, was that the number of cars tested  
8 is fairly constant, but the number of locations has  
9 increased. I'll tell you from my own experience, we're  
10 over 55 percent now in terms of smog checks that we were  
11 doing versus smog checks that we're doing today.

12 CHAIR WEISSER: Excuse me, what do you mean by over 55? You  
13 lost 55 percent?

14 MR. RICE: I've lost 55 percent.

15 CHAIR WEISSER: Thank you.

16 MR. RICE: Thank you. So in a nutshell, it's almost as if - if  
17 I could stretch out here for a second, it's almost if not  
18 counting the great amount of compensation I'm sure you get  
19 for being here on the Committee, but if you took your  
20 private funds of money you made outside of the Committee,  
21 put them in a big bucket, and then divvy it up, you'd have  
22 some people that were pretty cranked up, sitting in the  
23 chairs up there today. But the thought process is, what  
24 are you all upset about? It's the same amount of money,  
25 split up amongst you guys. Well, the same thing's

1       happening to us, okay. Same thing's happening to us, same  
2       number of cars getting split around and moved around a  
3       little bit differently, so that's why we're a little bit  
4       cranked up. Third comment is, on this topic here, on this  
5       slide here, you'll notice that the regular number of shops  
6       from 1998 at 4,900 to 2005, 5,300, didn't change a lot.  
7       Didn't change a lot, really, in the grand scheme of things.  
8       Test-only, though, from 148 stations to 1,700. That's a  
9       huge difference, huge difference. Not only that, but the  
10      number of cars that were available for us to test as  
11      regular stations got shifted over onto the test-only side.  
12      So there's a number of factors that are getting moved  
13      around here in terms of what's going on. True, maybe the  
14      number of smog checks that are available for testing is  
15      constant. The number of stations are moving around, but on  
16      the regular side, which is the playground I get to play in,  
17      that number's fairly constant, but I'm telling you that the  
18      actual number of tests that we get a chance to administer  
19      is just disappearing like crazy. Thank you very much,  
20      Committee.

21   MR. CARLISLE: Mr. Chairman, if I might add, the 55 percent was  
22       predicted by BAR that test and repair would lose 50 percent  
23       as a result of test-only being implemented in the Bay Area,  
24       because that was 36 percent that would ultimately be  
25       directed and then there was another percentage for

1 volunteers. So in the grand scheme of things, that was a  
2 number that was predicted at meetings that BAR conducted  
3 prior to the Bay Area implementation, so he's not that far  
4 off target.

5 CHAIR WEISSER: And in fact, in the Bay Area, is that what  
6 occurred?

7 MR. CARLISLE: Yes.

8 CHAIR WEISSER: Do we know that there's been, like you  
9 estimated, 50 percent? Has there been that big a shift?

10 MR. CARLISLE: Yes.

11 CHAIR WEISSER: Okay. Roger?

12 MEMBER NICKEY: I just wanted to comment on the price per test.  
13 Periodically we get the question up on our screen, what are  
14 you charging for smog checks? That's a little misleading,  
15 because most of us, and particularly me, we all have  
16 discount coupons. And we mail them out, in mine in  
17 particular are \$10, and probably the majority of them are  
18 \$10, although I've seen \$15 and I've seen \$20. So my  
19 posted price is one thing, but what I actually charge  
20 customers is something else, in most cases \$10 less. So  
21 the average price per test, I think, is inflated, and I  
22 would make a guess probably by 10 bucks.

23 CHAIR WEISSER: Rocky?

24 MR. CARLISLE: I don't necessarily disagree with that. In fact,  
25 that's one of the things we're gonna talk about later on

1       when we talk about a consumer information survey, a follow-  
2       up to the last one we conducted. So maybe through actually  
3       going to the consumer - you know, the consumer is the  
4       person that pays all the costs for this program, but we  
5       know the least about them and their experience, so maybe we  
6       can get that from the consumer in a survey.

7 CHAIR WEISSER: Is that data that you reported here, is that  
8       based upon posted prices or actually charged prices?

9 MR. CARLISLE: The question asked when BAR queries a station  
10       periodically - I believe it's once a month, and they say,  
11       what did you charge for this inspection?

12 CHAIR WEISSER: They're gonna put the posted price, then.

13 MR. CARLISLE: Exactly.

14 CHAIR WEISSER: Yeah, so I think Roger's point may be well  
15       taken, although ignorant consumers, like me, sometimes  
16       don't realize that there are coupons running around.  
17       Roger?

18 MEMBER NICKEY: Are those just on first tests or do they include  
19       retests?

20 MR. CARLISLE: You know, it's a random selection, I believe, so  
21       I'm not sure how they look at it. I think it's just first  
22       tests.

23 CHAIR WEISSER: I'll bet you.

24 MEMBER NICKEY: Okay, because that would throw it off again,  
25       because most people either have a discounted or a free

1           retest.

2 CHAIR WEISSER: Yeah.

3 MEMBER NICKEY: So that would dilute it a lot also.

4 CHAIR WEISSER: Dean? One moment. He had his hand up first, so  
5           we'll - and introduce yourself, please.

6 MR. SAITO: Dean Saito with the South Coast Air Quality  
7           Management District. One of the most troubling data that I  
8           see here is the huge discrepancy in the repair cost per  
9           vehicle in California versus those of other states, and I'm  
10          just wondering, maybe, how confident Rocky - how confident  
11          are we with - you stated that the average repair cost is  
12          \$180 in California?

13 MR. CARLISLE: Again, that's based on BAR data that technicians  
14          enter, and in one of the surveys we did, a lot of  
15          technicians don't enter the data for various reasons.  
16          Maybe they didn't do the repair, for example. Maybe the  
17          repair was done at another shop, so.

18 MR. SAITO: So are those averaged as zero?

19 MR. CARLISLE: Yes.

20 MR. SAITO: Okay.

21 CHAIR WEISSER: Excuse me, I don't think I understood that.

22 FEMALE: Our missing data.

23 MR. CARLISLE: In other words, when the technician conducts a  
24          test, if he's done repairs, he answers yes to the repair  
25          question. Then it asks him what repairs did you do and

1        what was the cost. It breaks it down by labor and parts.  
2        And in many cases - for example, maybe you had your test  
3        done at Roger Nickey's and then you went to your local shop  
4        to have the repair done, but then you went back to Roger.  
5        Well, Roger would enter another test, but he would have no  
6        repair data.

7 CHAIR WEISSER: Well, I would hope not, since Roger's test only.

8 MR. CARLISLE: Correct, but the repair data - my point is, the  
9        repair data never gets entered, and then in -

10 CHAIR WEISSER: Well, but you wouldn't count that in the  
11        statistics.

12 MR. CARLISLE: No, no. We wouldn't have that to count, is my  
13        point.

14 CHAIR WEISSER: But you wouldn't count the zero. I mean, if  
15        you -

16 MALE: That's right, it wouldn't go (overlapping).

17 CHAIR WEISSER: If you did, yeah, you'd need - well, we'll find  
18        out. I'm sure that BAR will be able to illuminate us on  
19        that, and I'd ask you to find out and report back, because  
20        that anomaly in terms of the charges kind of jumps out as a  
21        big red flag.

22 MR. CARLISLE: Certainly.

23 CHAIR WEISSER: Steve, is there something you'd like to add?

24 STEVE: I just wanted to comment on the inspection costs.

25 CHAIR WEISSER: Oh, and turn on the microphone. On the

1 inspection cost, I think Mr. Nickey is absolutely correct.  
2 The BAR used to have - Before the VID, we used to have a  
3 methodology for determining inspection costs, which  
4 included the coupons, included senior discounts. It  
5 included - it was quite a lengthy questionnaire, a couple  
6 pages, but we got a good random sample, and so I think that  
7 the current method of doing this through the VID is  
8 inherently flawed.

9 MALE: Useless.

10 STEVE: I wouldn't say useless. It's cheap. It's cheap.

11 CHAIR WEISSER: Efficient, cost-effective. Dean, did you have  
12 something else you wanted to add?

13 MR. SAITO: Another comment was that I believe in 2001 or 2000,  
14 there was legislation which exempted a rolling average, 25  
15 years and older vehicles, and I was just wondering, could  
16 that have been the reason why we started to see a decrease?  
17 As that legislation was passed, we started exempting 25  
18 year and older vehicles?

19 CHAIR WEISSER: I believe that legislation was passed in the  
20 80s, when - I thought when Senator Kopp was around, that's  
21 when the -

22 MR. SAITO: Was that 80s?

23 MR. CARLISLE: Yeah, the 25-year, I think, is quite old.

24 CHAIR WEISSER: Yeah.

25 MR. CARLISLE: I believe.



1 FEMALE: Oh, my mic's (unclear).

2 MR. SAITO: Okay, thank you.

3 CHAIR WEISSER: Okay, thank you. Are there any other comments  
4 from the audience? Anybody in the audience want to clarify  
5 any of our misconceptions at this point? Okay. I want to  
6 encourage continuation of this sort of data collection and  
7 summary and analysis. It points up things we need to look  
8 at. I'm particularly interested in follow up on  
9 understanding better the difference in the repair cost  
10 between us and other states. I just can't believe that  
11 California mechanics are four times as efficient as those  
12 in other states, to be able to do the same sort of repairs  
13 at a quarter of the cost. Rocky, I'll ask you now to  
14 conclude your activity report if there's anything further  
15 you'd like to add?

16 MR. CARLISLE: No, Mr. Chairman, that concludes the report. One  
17 thing I did want to mention - we had a little noise on the  
18 teleconference, and for those that are on the  
19 teleconference, I would like to ask them to put their  
20 telephone on mute until they have a comment to make, and  
21 that way we don't pick up their background discussion.

22 CHAIR WEISSER: Okay, I hope everyone who's listening in on the  
23 phone has turned on their mute or at least, if they don't  
24 have a mute button, to be discreet in their activities.

25 - o0o -

1 We'll now move to item number four, which is a review of  
2 the mission statement that the IMRC adopted shortly after I  
3 was privileged to join the Committee. We went through a  
4 period of a meeting or two, had substantial discussions to  
5 try to come up with some simple statements that really  
6 outlined the direction that we felt this Committee was  
7 charged with. And I thought it would be a good idea to  
8 bring it back to the Committee, since we have a couple of  
9 new members. Unfortunately, Mr. Fryxell is not here. I  
10 spoke with Chuck last week and I'm confident he'll be  
11 joining us in January, but I do think it might not be a bad  
12 idea for us to just take a moment now, read through this  
13 very short mission statement, and if there are some  
14 suggestions that anybody on the Committee would like to  
15 make in terms of modifying it, what I suggest is, we may  
16 want to hold those for now and bring this back in January,  
17 when Mr. Fryxell is here so we can cover this all, you  
18 know, with all - have a full discussion with all of us  
19 present. But if there's a burning issue that any member of  
20 the Committee would like to raise on this, please do so. I  
21 would also invite members of the public to submit  
22 suggestions that they might have in modifying this mission  
23 statement to Rocky Carlisle between now and a couple weeks  
24 before our January meeting so we have the benefit of  
25 getting public input prior to that discussion. Is that

1       okay with Members of the Committee?   Okay.

2                               - o0o -

3       With that, Rocky, I'd like then to, if we could, move on to  
4       this item number five, which is the IMRC budget or grant  
5       activity, and I'm not sure if there's more you want to  
6       cover here than you gave in the activity report.

7   MR. CARLISLE:   No, there really isn't.   The only thing I was  
8       going to comment on - our budget was actually increased a  
9       little bit this year.   It was increased to \$145,000, so we  
10      actually have a little bit more to spend in our other  
11      budget.

12   CHAIR WEISSER:   Does that mean the meetings are going to be  
13      moved to Maui?

14   MR. CARLISLE:   Maui would be good, yes, yeah.   But one of the  
15      things that it provides us the opportunity to do is to  
16      bring in some additional expert testimony, because we can  
17      bring in expert testimony from other states if we desire.

18   CHAIR WEISSER:   Well, that's a potentially good use of the  
19      money.   I'm so pleased that you've been able to find the  
20      resources to hire Mr. Gould as our consultant.   I think  
21      that also is -

22   MR. CARLISLE:   Been excellent.

23   CHAIR WEISSER:   - help for all of us, so appreciate that.

24       Anything further, Rocky, on that item?

25   MR. CARLISLE:   No, sir.

1 CHAIR WEISSER: Is there any public comment on that item? Good.

2 - o0o -

3 We'll now ask our representatives from BAR to give us an  
4 activity report and what's going on, things that we should  
5 be aware of happening, what we should be worried about, and  
6 what we need not worry about as we head into Turkey Day.

7 MR. COPPAGE: Good morning, committee. Alan Coppage, Bureau of  
8 Automotive Repair. Mr. Chair. In the respect to a fairly  
9 long agenda today, I will be brief. A few topics that have  
10 been e-mailed to me by Rocky, BAR has addressed in the  
11 past, and it's been an ongoing discussion regarding the  
12 \$450 repair cost waiver dollar amount. As we saw with Mr.  
13 Carlisle's presentation today, that was kind of brought to  
14 the forefront. This has been an issue for a number of  
15 months. It's been discussed by my predecessor, Wayne  
16 Ramos, and last month we had Chief Ross here discussing the  
17 \$450 repair cost waiver. And the question that was posed  
18 to me by Rocky by way of the - from the Committee by way of  
19 Rocky - will BAR's analysis regarding the reason for not  
20 increasing the \$450 repair cost limit be shared with the  
21 Committee? I might need some clarification on this, cause  
22 we've done it a couple of times. We've discussed kind of  
23 the dynamics regarding the \$450, the number of vehicles  
24 that receive a repair cost waiver once \$450 dollars has  
25 been spent to reduce the emissions on the vehicle where

1 more dollars are needed. We looked at that number and I  
2 would like to possibly get some clarification from the  
3 Committee on this question, because the eight hundredths of  
4 one percent, approximately 1,640 vehicles, received a  
5 repair cost waiver in 2004, which represents an extremely  
6 small number of approximately 1.5 million vehicles that  
7 failed. And again, this was talked about by Chief Ross  
8 last month. So the question is still being posed to BAR  
9 and I would respectfully request some clarification so that  
10 we can answer the question you're really asking.

11 CHAIR WEISSER: Okay.

12 MR. COPPAGE: And this might not be the appropriate forum for  
13 that. At this point, it can be sent through (overlapping).

14 CHAIR WEISSER: Well, I'd like to take a shot at it if I could,  
15 and folks can - I guess what I'd like to have come from BAR  
16 is an issue paper, and the issue paper would address the  
17 issue of, should the repair cost, the limit, you know,  
18 limit be raised? And the discussion should cover a pro and  
19 con analysis of whether or not it should be raised,  
20 including identification of the small number of vehicles,  
21 any other data associated with what you think might be the  
22 cost effectiveness of raising the repair cost limit, an  
23 analysis of why other states are higher than California,  
24 and, you know, if you can, why is California low, I'm  
25 asking, and lastly, I'd like to understand and know whether

1       that reluctance to raise the repair cost waiver is shared  
2       by your sister agency, the Air Resources Board. So I guess  
3       I want to see something in writing.

4 MR. COPPAGE: Very well. Very well. Secondly, the second -

5 CHAIR WEISSER: And before you go, are there other aspects that  
6       people would like to cover? My mind is open. I mean, it  
7       seems to me that if that repair cost waiver was a good  
8       number in 1998, then it's a bad number now, because it  
9       hasn't been adjusted for inflation. But I'm willing to be  
10      educated as to why inflation should not impact the repair  
11      cost.

12 MR. COPPAGE: Thank you, and I appreciate that comment. I have  
13      done a significant amount of reading with the minutes of  
14      meetings. Being new, I spent a lot of time staring at 180  
15      pages per meeting. It's pretty interesting, and the  
16      conversation that you had with Wayne Ramos, again, my  
17      predecessor, a couple of months ago - I believe it was in  
18      the August meeting - was exactly that, and I think you even  
19      said, if it is what it is, great. That's fine. You just  
20      want to make sure that all the areas were covered, correct?  
21      That we have covered every base.

22 CHAIR WEISSER: I should mention one of the issues we're dealing  
23      with that I'd love to be on the same page as the agencies  
24      is, there is interest in this issue in the legislature.

25 MR. COPPAGE: Sure.

1 CHAIR WEISSER: So having a paper that in writing describes what  
2 the situation is with, you know, a pro-con analysis of your  
3 considerations, I think is going to be helpful and it's  
4 going to be needed, one way or another.

5 MR. COPPAGE: Very well. And moving on to the second question,  
6 the question -

7 CHAIR WEISSER: Excuse me, Mr. - I'm sorry, Jeffrey.

8 MEMBER WILLIAMS: Jeffrey Williams. I just want to elaborate a  
9 bit too, and my mind also is open on this, but the data you  
10 emphasize seems to me a two-edged sword. I'm probably  
11 mixing a metaphor here. If it doesn't affect very many  
12 vehicles, why change it, you say, but then again, why not  
13 argue, why not change it, because it doesn't affect very  
14 many vehicles. And it might be helpful just to know  
15 something about those 1,200 vehicles, as few as they are.  
16 Are they older model cars? Or just a few facts. Maybe  
17 that'd be part of that written report.

18 MR. COPPAGE: Very good.

19 CHAIR WEISSER: Thanks. Oh, I'm sorry, Roger.

20 MEMBER NICKEY: I just did it a couple minutes ago.

21 CHAIR WEISSER: Is your button on?

22 MEMBER NICKEY: I would really like to know how the data's  
23 collected, because I think there's going to be a huge  
24 impact on what the repair costs are averaged back over. If  
25 they're being averaged back over retests, if they're being

1 averaged back over - in other words, the way it's  
2 collected, I think, has a big impact on it. I think it's  
3 actually - I think it's actually higher than it is.

4 CHAIR WEISSER: I don't think you need to respond today on that,  
5 but when you prepare this issue paper, if you could make  
6 reference to how that data is collected, that would be  
7 informative.

8 MR. COPPAGE: Sure.

9 CHAIR WEISSER: Okay? Any other questions? Please proceed.

10 MR. COPPAGE: Thank you. The question that was posed, will BAR  
11 field evaporative testing analysis be shared with the  
12 Committee? I think Chief Ross, again, addressed this last  
13 month. We have yet to receive the full report from the Air  
14 Resources Board, and at such time, absolutely. We will be  
15 happy to share that.

16 CHAIR WEISSER: Thank you, and we'll get from Sylvia what the  
17 status is on that. Thank you.

18 MR. COPPAGE: Lastly, this question is somewhat dependent upon  
19 the first. What additional issues need to be studied or  
20 reviewed before low pressure evap testing can be  
21 implemented? And obviously, it would be premature for us  
22 to respond to that before seeing the report.

23 CHAIR WEISSER: Great.

24 MR. COPPAGE: So that's it.

25 CHAIR WEISSER: Is there anything that we can do to make your



1       life easier in this role, outside of asking you for things?

2 MR. COPPAGE:   Actually, I think what we just did was very  
3       helpful for me.

4 CHAIR WEISSER:   Okay.

5 MR. COPPAGE:   Just healthy discourse between the two in asking  
6       for clarification.   You know, coming into this new, I will  
7       probably make a few mistakes and (overlapping).

8 CHAIR WEISSER:   We'll match you mistake for mistake.

9 MR. COPPAGE:   And we'll go together on this thing, but seeing -  
10       again, reading transcripts and seeing the specific thing on  
11       the repair cost waiver, it kept popping up and I had to ask  
12       myself, we're obviously not answering the question that  
13       you're asking, because it's coming up again and again.   And  
14       I appreciate you expounding on your thoughts about what  
15       you're really looking for, and we'll do everything we can  
16       to address this issue completely, to come to a conclusion.

17 CHAIR WEISSER:   Cool, thanks a lot.

18 MR. COPPAGE:   Very good.

19                       - o0o -

20 CHAIR WEISSER:   We'll now move directly to the report from our  
21       representative from the Air Resources Board.

22 MS. MORROW:   Good morning.   I'm Sylvia Morrow with the  
23       California Air Resources Board.   First of all, I'll give  
24       some updates and then discuss the questions that Rocky  
25       conveyed to me in an E-mail.   First of all, regarding the

1 low-pressure evap report, it is currently with our upper  
2 management. We anticipate providing it to BAR within the  
3 next couple weeks. Once we provide it to the Bureau of  
4 Automotive Repair, we will provide it to - and the Bureau  
5 of Automotive Repair receives it, we will provide it to the  
6 IMRC and other entities wishing a copy - wishing for a  
7 copy.

8 CHAIR WEISSER: And let me make sure I understand. In other  
9 words, you'll send this out to the BAR and  
10 contemporaneously send it out to us?

11 MS. MORROW: No. Once we know they have received it, once they  
12 have seen the -

13 CHAIR WEISSER: So 24 hours after they get it, you'll send it  
14 out?

15 MS. MORROW: Once I am assured that they have gotten a copy of  
16 it, that Dick Ross has gotten a copy of it and seen it,  
17 then I will pass it out. We want to make sure that the  
18 agency gets it before anyone else, which would be  
19 appropriate.

20 CHAIR WEISSER: Good idea, so you can have just him essentially  
21 served, like a process server, with the report?

22 MS. MORROW: I don't think that would be, but like I said, the  
23 Air Resources Board wants to make sure that Dick Ross  
24 receives it before anyone else, since it's directly -

25 CHAIR WEISSER: I sure think that's a grand idea.

1 MS. MORROW: Okay. Also, Sierra has - our contractor Sierra has  
2 started working on a draft test plan to analyze the Smog  
3 Check Inspection Program. Our current time schedule is  
4 that ARB, BAR, and Sierra will present the plan at the  
5 IMRC's January 2006 meeting, so we would like to put that  
6 on the schedule. Right now we're shooting for that time  
7 frame. Finally, I know that you're always interested in  
8 our evaluation report. I did check. It is currently at  
9 the Governor's Office, and we have not received any action  
10 on the request for report approval.

11 CHAIR WEISSER: Do you mean the Governor failed to take this  
12 report to China with him on his trip to read it in the  
13 airplane?

14 MS. MORROW: I'm not exactly sure on the details, but he has not  
15 provided us an okay to send it to the legislature and make  
16 it a final report.

17 CHAIR WEISSER: So remind me when this report was statutorily  
18 required to be sent to the legislature.

19 MS. MORROW: I believe in - I believe it was January 1<sup>st</sup>, 2004.

20 CHAIR WEISSER: I think you may be a couple years off.

21 MS. MORROW: Oh, 2003, I'm sorry. January 1<sup>st</sup>, 2003. I've been  
22 corrected.

23 CHAIR WEISSER: Well, let's hope the timetable for removing our  
24 troops from Iraq is a little bit more accurate than that  
25 statutory requirement.

1 MS. MORROW: A few weeks ago, Rocky Carlisle transmitted to me a  
2 memo in which he specified the questions from the IMRC  
3 Committee due to my last presentation at the last meeting.  
4 I am still in the process of going through the transcripts  
5 to see if there are some additional questions, so at the  
6 following meeting, I may provide some additional questions,  
7 but these are the ones that Rocky had sent to me.

8 CHAIR WEISSER: Excuse me, before you start, Sylvia, that's the  
9 second comment we had regarding reviewing our transcripts,  
10 and there is an easy way to make these transcripts thinner,  
11 folks.

12 MS. MORROW: Not do so much talking? Anyway, the first question  
13 was whether any vehicles were damaged due to the low-  
14 pressure evap test, and I am still currently researching  
15 that, so I will get back to you on that. The second  
16 question was why did Kentucky eliminate their fuel  
17 evaporative test program? I checked on that. Kentucky  
18 eliminated low-pressure evap test program because they  
19 eliminated their entire I/M program. They submitted a  
20 revised maintenance plan to US EPA in which they  
21 substituted a control measure for the I/M program.

22 CHAIR WEISSER: This is a SIP maintenance plan.

23 MS. MORROW: It is a State Implementation Maintenance Plan. EPA  
24 subsequently approved the revised maintenance plan and  
25 there, the Kentucky legislators passed legislation removing

1 the I/M program and it was effective November 2<sup>nd</sup>.

2 CHAIR WEISSER: Are cars from Kentucky banned from entering  
3 areas that are in non-attainment? Well, I mean, you know,  
4 cars have this annoying habit of moving. And even though  
5 Kentucky may be in attainment, there may be other areas  
6 these cars visit that really are struggling to improve air  
7 quality. This is not aimed at you, obviously. I just  
8 think it's nuts.

9 MS. MORROW: The third question was, to how many different  
10 vehicle models would the low pressure fuel evaporative test  
11 apply? The low-pressure evaporative test is applicable to  
12 1976 to 1995 model year vehicles, that's light, medium, and  
13 heavy-duty vehicles. However, in the regulatory process  
14 that BAR will go through, what vehicles the test will be  
15 applicable to could change, because they may want to do a  
16 focus program where only a certain subset of the 96 to 95  
17 model year or they may decide to only do passenger cars,  
18 light-duty trucks, so that information would come out  
19 during the regulatory process.

20 CHAIR WEISSER: Sylvia, do you know what the maximum, the start  
21 number, would be?

22 MS. MORROW: Of the number? Well, there's the number of model  
23 years and then it would be all makes and models  
24 encompassed, all gasoline make and model years.

25 CHAIR WEISSER: About? Do you have any idea how many?

1 MS. MORROW: I don't, off the top of my head.

2 CHAIR WEISSER: Okay, well, that would be a nice place to kind  
3 of start.

4 MS. MORROW: Okay, I'll see if I can check to see how many makes  
5 and model years are encompassed.

6 CHAIR WEISSER: I don't care about makes and models; how many  
7 cars would be in that group?

8 MS. MORROW: Okay.

9 CHAIR WEISSER: Recognizing some are going to drop out because  
10 they're too difficult to test, some are going to be who  
11 knows what. Sylvia, this is all based on the assumption,  
12 I'm assuming - and the BAR report will cover this or ARB  
13 will cover this - that the OBD II is actually working to  
14 identify these sorts of evaporative emission failures. Do  
15 we know that? Is it working? Is your report -

16 MS. MORROW: Our report is not going to focus on the OBD II  
17 cars. We are confident that the low-pressure evap test in  
18 the OBD II vehicles will adequately determine if there's a  
19 leak in the system.

20 CHAIR WEISSER: I guess my concern is raising - because since  
21 that previous information we heard regarding - I'm not sure  
22 which state it was, Rocky, but there are a whole bunch of  
23 cars that were yanked over as failing on the road, but none  
24 of them had failed OBD II tests, and my confidence in OBD  
25 II needs bolstering.

1 MS. MORROW: Well, I think I realize what statistic you're  
2 talking about that Rocky presented. It was where they did  
3 the RSD and those that were twice above the standard, they  
4 brought in for testing and only 80 percent of them failed.

5 COMPUTER: This conference is showing no activity. If you'd  
6 like to continue the conference -

7 MS. MORROW: I think something -

8 COMPUTER: - press star one now.

9 MS. MORROW: - that also needs to be looked at is that 20  
10 percent of the vehicles that RSD identified as a failure  
11 passed, and that's also an important statistic to look at.  
12 As far as -

13 CHAIR WEISSER: But I believe that those cars were retested,  
14 like you're saying, so that of the X number of cars that  
15 were identified as two times - emitting twice the allowable  
16 level, 80 percent failed and yet not one of them failed  
17 through the OBD indicator.

18 MS. MORROW: Well, I don't have a real - I don't have a look at  
19 what that data is, and you know, I really can't answer that  
20 question.

21 CHAIR WEISSER: No, I recognize that. I'm just trying to put  
22 forward why my confidence in OBD II as adequately covering  
23 newer cars is shaken, and I'd love somebody to tell me, pat  
24 me on the head and say, don't worry, Vic, it's okay. It's  
25 all working fine. So you're going to be able to do that in

1       this report, right?

2 MS. MORROW: Like I stated earlier, in this report, we did not  
3 specifically address OBD II vehicles. And I can come back  
4 at the next meeting and provide you with the number of  
5 vehicles that, if we were to look at the entire fleet,  
6 would be tested with the low-pressure evap.

7 CHAIR WEISSER: Thank you. Roger? You're doing great, Sylvia.

8 MS. MORROW: Okay.

9 CHAIR WEISSER: Roger?

10 MEMBER NICKEY: From the real world again. We find almost all  
11 of our gas cap failures on OBD and we never have a check  
12 engine light. We have many, many vehicles OBD II that fail  
13 tailpipe that have no light on. I have many, many vehicles  
14 that come in with the check engine light on with an OBD II  
15 failure, pass emissions. So my confidence is not very - my  
16 confidence level's not very high in OBD II to diagnose  
17 problems. The only cars we generally find that will throw  
18 a light with evap is if the cap is missing. Many times the  
19 gas cap will fail the test, but it doesn't throw a code, it  
20 doesn't turn a light on. So it's definitely a good system,  
21 but to replace Smog Check, I would say heck, no.

22 CHAIR WEISSER: Okay. Please continue, Sylvia.

23 MS. MORROW: Okay, item four on Rocky's list was to provide a  
24 list of the potential contractors. I contacted our  
25 contract personnel to find out if we can release the list



1 and I have not received the okay yet. As soon as I receive  
2 the okay from them, I will provide you with a list.

3 CHAIR WEISSER: These are contractors for?

4 MS. MORROW: These were the potential contractors when ARB and  
5 BAR did the joint RFP for Smog Check evaluation. Dennis  
6 wanted a list of who we sent the RFP to, and so I do have  
7 that list, but I have to wait to make sure that it's okay  
8 for me to release it.

9 CHAIR WEISSER: Thank you.

10 MS. MORROW: And let's see. Item number five, can we get cost  
11 information from Arizona, Kentucky, and Delaware regarding  
12 the cost of the fuel evaporative test equipment? At the  
13 beginning of evaluating our low-pressure evaporative test,  
14 I contacted all of the states that were implementing this  
15 program. The actual state agencies had hired contractors  
16 to do the testing. I was unable to get any information as  
17 far as what the actual cost of the tester was. As I  
18 stated, they're all centralized programs and it could be  
19 that the cost of the tester was just incorporated in the  
20 entire cost of the program, but I really tried and I was  
21 not provided the information. So maybe Rocky might have a  
22 little bit more luck than I did, but I can't find it.

23 CHAIR WEISSER: Thank you.

24 MS. MORROW: And finally, the results of the beta testing  
25 performed by BAR, if the IMRC could get a copy. The Air

1 Resources Board doesn't have a problem with that; however,  
2 we do not have a copy or information regarding the beta  
3 testing that was performed. We have final numbers, but we  
4 don't have the actual data, and I would contact the Bureau  
5 of Automotive Repair for that question.

6 CHAIR WEISSER: Thank you, Sylvia. Are there any questions from  
7 members of the Committee? Thank you. Thanks, both  
8 agencies, for these reports. Really appreciative of the  
9 time and effort that you spent to try to keep this  
10 Committee informed on what's going on and your good sense  
11 of humor in dealing with the assaults that come from up on  
12 the dais at times. Are there any comments from members of  
13 the audience on this portion of the agenda? And we'll  
14 start in the back this time with Mr. Saito. Do you want to  
15 say now?

16 MR. SAITO: Dean Saito, South Coast AQMD. One additional  
17 comment I may ask the IMRC to request of BAR is, on the  
18 disposition of those 1,600 waived vehicles, it might be  
19 interesting to know what happened to those vehicles. So as  
20 BAR investigates those waivers, find out what happened  
21 ultimately to those vehicles. Did they ultimately get a  
22 passing smog check? Did they move out of the state? What  
23 was the disposition of those 1,600 vehicles? Thank you.

24 CHAIR WEISSER: I just might ask if that is something that is  
25 easily attainable or is that a big workload thing, cause it

1       might be difficult. I don't know what the system works,  
2       how the system works.

3 MR. COPPAGE: A number of different options.

4 CHAIR WEISSER: Identify yourself again.

5 MR. COPPAGE: Alan Coppage, Bureau of Automotive Repair. A  
6       number of different options. Again, clarifying the one  
7       time repair cost waiver. This is a one-time relief  
8       mechanism for exorbitant repairs. The original mechanics -

9 CHAIR WEISSER: Excuse me, the word exorbitant kind of makes me  
10       twitch. You mean needed repairs that are above the waiver  
11       limit?

12 MR. COPPAGE: Right.

13 CHAIR WEISSER: Thank you.

14 MR. COPPAGE: The whole relief mechanism - it's a relief  
15       mechanism for that, and the whole - the shop illustration  
16       is, the V8 that needs a valve job for both cylinder heads.  
17       Person comes in and the diagnosis is, you need a valve job  
18       and it's going to be \$1,200. Oh my goodness, I can't  
19       handle that. Well, let's do one cylinder head, reduce the  
20       emissions and between now and then, you'll have two years  
21       to get this car - get the other cylinder head done and in  
22       two years, you'll come back and everything should be fine.  
23       Theoretically, that was the way the shop looked at it from  
24       repairs were meant. So in two years, a vehicle that  
25       received a repair cost waiver is going to be up for

1 requiring a smog inspection for their biennial registration  
2 in two years, correct? That makes sense. So what happened  
3 at that point with 1,640 vehicles, that's not a huge number  
4 of cars to look at, but trying to find a needle in a stack  
5 of needles isn't easy either. So looking at that, I will  
6 be happy to take a look at it and see what we can come up  
7 with. I certainly can make no guarantees, but most of the  
8 vehicles that are in that category have mechanical  
9 problems. That's why they're there. Those vehicles die of  
10 attrition. Those vehicles are retired through our vehicle  
11 retirement program. It's part of the CAP program. There's  
12 a myriad of different reasons, ends that those cars come  
13 to. We can take a look at it.

14 CHAIR WEISSER: I agree with you that this is not worth - Dean,  
15 excuse me for my bluntness. I don't think it's worth the  
16 expenditure of a ton of energy, but if there are some  
17 readily available stats on it, that would be good for us to  
18 know, okay.

19 MR. COPPAGE: I'll look into that.

20 CHAIR WEISSER: If there's something that's relatively easy to  
21 come forward with, that would be good to know. Otherwise,  
22 I guess we have to assume that, as you're saying, the cars  
23 have either been repaired so that they pass Smog Check or  
24 they are somehow no longer in the fleet and we'll pretend  
25 that unregistered cars don't exist in California.

1 MR. COPPAGE: Don't exist.

2 CHAIR WEISSER: Okay, I think Ms. Bonnie Holmes - I'm sorry.

3 Jeffrey?

4 MEMBER WILLIAMS: This could take a lot of time to analyze, but  
5 I've done most of the prep work with the five and a half  
6 years of data. If you just give me a list of the VINs of  
7 the cars from 2004 or even earlier -

8 MALE: Ah, yes.

9 MEMBER WILLIAMS: - I'll be able to find out what happened to  
10 them pretty quickly, and yes, it's costly, but I'd bear the  
11 cost, so I'm happy to do that.

12 MR. COPPAGE: Well, I'd be happy to give you an assignment.

13 CHAIR WEISSER: Terrific.

14 MR. COPPAGE: Yeah, I'll get with you through Rocky.

15 CHAIR WEISSER: Thank you very much, Jeffrey, and thank you,  
16 Alan. Bonnie?

17 MS. HOLMES-JENN: Good morning, I'm Bonnie Holmes-Jenn with the  
18 American Lung Association of California, and I just wanted  
19 to make a couple comments about the evaporative emissions  
20 test, cause we've been watching this very closely over the  
21 past year and we're very concerned about improving the  
22 effectiveness of Smog Check, as I know you are, and I'm  
23 very impressed by all the questions and discussion today.  
24 And we think that this evaporative emissions test is an  
25 important next step. And I wanted to point out that we

1 submitted a letter in May. I'm not sure if you had noticed  
2 that earlier, but we submitted a letter, along with the  
3 Natural Resources Defense Council and the Union of  
4 Concerned Scientists to BAR and ARB and we've also  
5 discussed this letter with the agencies. And we pointed  
6 out in the letter that this evaporative emissions test has  
7 been promised for at least five years, so it's been a very  
8 long time frame that we've been waiting for this test to be  
9 implemented, and that ARB actually committed to this test  
10 procedure in a 2000 letter, a letter in August of 2000 to  
11 federal EPA. So it's been a very, very long time that  
12 we've been watching this process. We're anxiously awaiting  
13 the issuance of this report by ARB and based on the  
14 presentation at the last month's meeting, it appears that  
15 all the issues have been fully addressed and that the test  
16 has been proven effective and necessary. And at this  
17 point, we'd just like to get some assurance that BAR is  
18 going to expedite the regulatory process and begin this new  
19 testing procedure. I know that you can't give that to me,  
20 but I wanted to make this public statement that we're  
21 watching this very closely and that is what we are  
22 requesting of BAR, that this testing process - as soon as  
23 you get this report, that you expedite this process and get  
24 this test up and running. Obviously, the emissions  
25 reductions are available now. We'd like to capture them.

1       The window closes over time because we're obviously  
2       targeting a certain portion of the vehicle fleet, and every  
3       year that passes, you know, we're losing some of those  
4       emission reductions, so we're very concerned and we'll be  
5       continuing to watch this and comment before you on it.

6 CHAIR WEISSER: Thank you, Bonnie. I assume that you'll be able  
7       to be present at the January meeting, when this item comes  
8       up?

9 MS. HOLMES-JENN: I'm glad you didn't ask me that December,  
10       because December 27<sup>th</sup>, I'm not going to be here.

11 CHAIR WEISSER: But if you and the co-signers to that memo are  
12       concerned about this issue, I think it's very important  
13       that you be here at the meeting.

14 MS. HOLMES-JENN: Yes, thank you. Thank you.

15 CHAIR WEISSER: Did we have a comment?

16 MR. CARLISLE: No, I was just going to thank both Alan and  
17       Sylvia, because they didn't get those questions until late.  
18       We have a new transcription company right now, and I think  
19       they did a good job, but there were some issues that we had  
20       to send things back and forth, so we didn't get it quite in  
21       a timely manner, but again, it was their first shot at it  
22       and there's a lot of acronyms and language that we use that  
23       isn't normally used in day-to-day business, so they did a  
24       good job in getting the information to us.

25 CHAIR WEISSER: Yeah, you guys are great to work with. I'm

1 really appreciative of that. Okay, are there any other  
2 comments? Mr. Peters?

3 MR. PETERS: Mr. Chairman, Committee, I'm Charlie Peters, Clean  
4 Air Performance Professionals. We represent motorists.  
5 We're a coalition of motorists. Couple items - the issue  
6 of a cost limit. Previous speaker was quite concerned  
7 about the implementation of the fuel evap. I don't see  
8 necessarily the justification of that, but I certainly see  
9 that - I was under the impression - conversations took  
10 place on the issue of cost limit. It was made very clear  
11 by EPA early on in this process that the cost limit was a  
12 matter of the Clean Air Act amendments, an absolute,  
13 inescapable requirement, so if anybody decides to sue on  
14 that issue, that's probably an issue that would require  
15 action. By that you're indicating, Mr. Chairman, that the  
16 legislature, it's on their screen and being looked at, and  
17 that issue is being brought up for a whole bunch of years,  
18 and that might very well make a real impact. Quite another  
19 question is about the issue with the AB 386, legislation  
20 requiring CARB's participation. I still have the  
21 impression that CARB was removed from policy issues in  
22 1994, that AB 386 is still not passed, so I question  
23 whether or not the real participation in policy support is  
24 appropriate with the Air Resources Board. Your comments,  
25 Mr. Chairman, about vehicles are mobile and gee, it's just



1 nuts to remove these cars cause they move around, that  
2 taken with the issue of 1.43 million U-haul and associated  
3 out-of-state plated vehicles that has received no action,  
4 is interesting comparison. And if you look at the actual  
5 total number of cars with plates and or zip codes, that  
6 that might be something like 4,000,000 cars which may be  
7 significant opportunities, and we continue to ignore that  
8 is interesting. The issue that's been brought up about  
9 cost limit, do we have a cost limit or do we have a cost  
10 minimum? I believe the Clean Air Act amendments required a  
11 spending of money and the way that was presented is, if you  
12 have a \$2,000 repair, the cost limit is \$500 and that's the  
13 only thing that you need to do, or the next thing that you  
14 have to do and you haven't passed the limit, that it is  
15 necessary to do the repair. So there's some additional  
16 factors here that the Committee might want to consider.

17 CHAIR WEISSER: Thank you, Mr. Peters. Are there any further  
18 comments? Mr. Trimlett?

19 MR. TRIMLETT: Len Trimlett, Smog RFG. It seems to me after  
20 thinking about the previous discussion, this Committee has  
21 an opportunity for real good issue paper. Essentially, the  
22 issue paper would be, you have data for how the air quality  
23 has changed over a period of years. You have MTBE, you  
24 have ethanol, you have the transition to dynamometers. You  
25 have the transition to test-only, and I could go on and on,

1 but the point is, if you look and compare air quality  
2 versus these parameters, it might give some ideas for  
3 future evaluation of how the smog program could be  
4 improved. And what I will do is, on my own time, I'll  
5 write that up and I will present that to the Committee.  
6 Thank you.

7 CHAIR WEISSER: Thank you, Len. The challenge that you'll face,  
8 as we all do, is the causality, the issue of causality.  
9 And there's no doubt in my mind that the work that BAR and  
10 ARB have done on mobile sources is an enormous contributor  
11 to the improvements that we've seen in California air  
12 quality, but how much of it is a much more difficult  
13 question to ask.

14 MR. TRIMLETT: Believe it or not, I'll be the first to agree  
15 with you.

16 CHAIR WEISSER: Well, the jury will so note. Any further public  
17 comments on this item, these items? Very good. Rocky, I  
18 believe it's now time for you to lead us into two very  
19 interesting presentations that we've all been looking for.  
20 Ah, we're having requests from one of our members to  
21 perhaps take a break, but I'm concerned whether a break  
22 will interfere at all with the ability of our presenters to  
23 make their presentations, so how do we find out what the  
24 situation is?

25 MR. CARLISLE: We have Dr. Lawson on the line. I'm assuming he

1 can hear me at this point.

2 CHAIR WEISSER: Doug? Calling all Dougs. We're gonna take a  
3 break, and we'll make it a 10-minute break, so we will -  
4 No, we'll make it, yeah, a 10-minute break. We'll start at  
5 13 minutes after the hour and if you could just make sure  
6 all the technology is kind of lined up and working when we  
7 come back in, I think we'll all be ahead of the game. Want  
8 to for the record acknowledge that Dennis DeCota has now  
9 joined the Committee. So we'll, as I said, take a 10-  
10 minute break, be back at 11:13.

11 DR. LAWSON: Rocky, can you hear me okay?

12 MEMBER NICKEY: Yes, I can.

13 DR. LAWSON: Okay, good. I'm going to take a little five-minute  
14 break myself and I'll be right back at my desk in two or  
15 three minutes, Rocky.

16 MEMBER NICKEY: Okay, we'll see you on the backside.

17 - o0o -

18 CHAIR WEISSER: Okay, ladies and gentleman if you can take your  
19 seats? Okay, this meeting will now come back into order.  
20 Thank you. Everybody has their phones turned to  
21 vibrate or mute and we'll ask Mr. Carlisle to introduce our  
22 next item.

23 MR. CARLISLE: Thank you, Mr. Chairman. We have a presentation  
24 on particulate matter and EPA'S high mileage OBD II study,  
25 and the speaker and the one that's done this research is

1 Dr. Doug Lawson. He's a principal scientist at the  
2 National Renewable Energy Laboratory in Golden, Colorado,  
3 where he's responsible for OHVT's Environmental Science and  
4 Health Impacts Program. He coordinates with industry,  
5 government, and university groups in understanding the  
6 influence of fuels and motor vehicles emissions on air  
7 quality in the US. He also currently serves as a  
8 Commissioner on the nine-member State of Colorado Air  
9 Quality Control Commission and has authored more than 100  
10 reports on various aspects. Dr. Lawson worked at the ARB  
11 from 1980 to 1992, where he performed air pollution  
12 research and supervised many air pollution research  
13 studies, and finally, he served as a consultant to the IMRC  
14 back in the mid-90s. So I'd like to welcome Dr. Lawson.

15 CHAIR WEISSER: Good morning, Doug.

16 DR. LAWSON: Good morning.

17 CHAIR WEISSER: We are all waiting with bated breath for your  
18 presentation, so please begin.

19 MR. CARLISLE: I should mention, too, that he is speaking and  
20 I'm controlling his slides and some of these slides he's  
21 going to skip, so if you see us skip over a couple of  
22 slides, don't be concerned. That was by design, not an  
23 accident.

24 CHAIR WEISSER: But you have removed all the "Far Side" cartoons  
25 from the presentation. Is that correct?

1 MR. CARLISLE: I hope, yes.

2 CHAIR WEISSER: Okay.

3 DR. LAWSON: Good morning, Mr. Chairman and members of the IMRC.

4 My name is Doug Lawson and I wanted to find out first, can  
5 you hear me okay?

6 CHAIR WEISSER: We're fine.

7 DR. LAWSON: Okay, fine. Now, I'm watching the web cast here in

8 Denver, but that's about seven seconds delayed, so I won't

9 watch the screen while I'm doing the presentation. I'm

10 just reading from my presentation that I have, and I

11 appreciate the invitation and opportunity to discuss some

12 items with the Committee. I'd like to address a couple of

13 things, or just answer, maybe, a couple of questions that

14 were asked earlier. First, when the ARB person, I think

15 Sylvia, was asked about remote sensing. What we've seen in

16 every study with regards to remote sensing, when we pull

17 cars over right on the spot and they're given an emissions

18 test right on the spot after they've passed remote sensors,

19 if the remote sensor identifies them as a high emitter more

20 than 90 percent of the time when we give them any

21 confirmatory emissions test, regardless of the test, they

22 all fail, so it has a very high positive hit rate.

23 Secondly, she also mentioned ozone trends in California. I

24 sent Mr. Carlisle a file during the presentation. When she

25 mentioned that, I went to the South AQMD website and just

1 did a quick download of the data and presented a graph, and  
2 what we see with ozone is quite disturbing in LA. Around  
3 1998, it dropped. Until 1998, it dropped dramatically and  
4 then flattened out, and may have gone up just a little bit,  
5 so we've seen some disturbing trends with regard to ozone  
6 over the past seven or eight years, where it hasn't dropped  
7 very much. Regarding the repair costs and Dean Saito's  
8 request to get information on these cars that may have  
9 gotten waivers, that's very, very important to try to  
10 understand that, given that with an I/M program, at least  
11 half of the benefit that you can hope to get from an I/M  
12 program comes from only five percent of the fleet. So if  
13 you have trouble locating those five cars, if there's  
14 something that's gone wrong with only five out of a  
15 hundred, then you lose nearly all the program effectiveness  
16 or benefit if something happens with those five vehicles,  
17 so you're literally looking for needles in a haystack. So  
18 I would support Dr. Williams' effort to try to understand  
19 what happens to those cars. Unfortunately, just looking at  
20 registrations doesn't help because it was shown in Ohio,  
21 when the I/M started in a couple of counties there, the  
22 registrations for those counties dropped five to seven  
23 percent when the program started. Then when the program  
24 was ended, the I/M program was ended, the registrations  
25 increased five to seven percent, so the registrations moved

1 the cars out, but they were probably being driven in the  
2 area all along, so it's a very difficult thing to follow up  
3 on. Now, with that, I'd like to begin my presentation and  
4 discuss two different topic items. One is results from our  
5 gasoline diesel PM split study, and in a second, I'll make  
6 some comments on this EPA's high mileage OBD study that was  
7 just published this month in the journal. Next slide,  
8 Rocky. This result had quite a few groups participating in  
9 the study. We had people from Desert Research Institute in  
10 Nevada. University of Wisconsin was involved, US EPA, and  
11 West Virginia University, so we had a good number of  
12 scientists throughout the country who were doing the study.  
13 Next slide, we acknowledge our support. This comes from US  
14 Department of Energy, who paid for the majority of the  
15 funding of this study. We also received support from  
16 Ralph's Grocery. As I mentioned previously, US EPA, the  
17 California Bureau of Automotive Repair, and Dean Saito, who  
18 spoke earlier today, was instrumental in helping us recruit  
19 vehicles in the study when he was at the Bureau of  
20 Automotive Repair, and now he's at the AQMD. We also had  
21 support from AQMD in locating some high-emitting vehicles,  
22 and also from ARB. The next slide shows the objective of  
23 the study. It was to quantify the relative importance of  
24 PM emissions from gasoline or spark ignition and diesel  
25 compression ignition engines in the south coast. As I

1 mentioned, we had quite a wide variety of people involved  
2 with this study, from different parts of the country, who  
3 came out and participated. The next slide shows the  
4 approach that we used in the study. We did source testing  
5 of a large set of gasoline and diesel powered motor  
6 vehicles using EPA's and West Virginia University's  
7 transportable dynamometers. This was done between the  
8 months of May and September 2001, and in fact, we tested  
9 100 vehicles, roughly 60 light-duty vehicles, and 35 heavy-  
10 duty vehicles. And the reason we did that was, we wanted  
11 to obtain real-world vehicles whose emissions we could test  
12 and perform chemical analysis on their emissions. Once  
13 that was done, we were able to develop source profiles or  
14 fingerprints from those different types of fleets and then  
15 use statistical relationships between those source profiles  
16 and the ambient data to attempt to do source apportionment  
17 and understand the relative importance of gasoline and  
18 diesel emissions in Los Angeles. The next slide shows the  
19 scope of the study, where there were measurements made on-  
20 road, on different freeways in the LA basin and different  
21 locations that were dominated by different sources types,  
22 along the ports of LA and Long Beach, where there are a lot  
23 of diesel emissions. There was sampling done over toward  
24 Venice Beach and Santa Monica area, where there would be a  
25 strong influence of gasoline emissions. The circles, the



1 red circles, are where we did fixed-source sampling at AQMD  
2 sites and also some fixed sampling that was done by the  
3 mobile samplers. I just wanted to show you this slide to  
4 give you the extent of the measurements that were made  
5 throughout the basin, and this was done during the summer  
6 of 2001. The next slide gives the features of the study.  
7 First, it was studied - the study was performed in the LA  
8 basin during the summertime, and as a result, we didn't  
9 obtain what I call cold-cold start emission. Those are  
10 when cars actually start up at temperatures colder than  
11 about 72 degrees. In our studies that we've been doing  
12 over the past 10 years or so, we've observed that PM  
13 emissions from motor vehicles are much, much higher as soon  
14 as you get cooler temperatures than 70 degrees. So say in  
15 Sacramento in the wintertime, you're going to have much  
16 higher PM emissions from gasoline vehicles, especially in  
17 the cold start, and we've seen that, and that's nothing  
18 that the Smog Check can fix, but it's just a thing that  
19 we've been observing with normal-emitting in-use vehicles.

20 CHAIR WEISSER: Doug, could you speak up a little bit?

21 DR. LAWSON: Yes, can you hear me better now?

22 CHAIR WEISSER: Yes.

23 DR. LAWSON: I'll try to speak louder also into the mouthpiece  
24 here, into the mic. Vehicles also were sampled as is.  
25 That is, once we received them in, they were sampled using

1 California fuels. These data represent the on-road fleet  
2 and characteristics of ambient data during the summer of  
3 2001. We do know that because of future on-road heavy-duty  
4 regulations in 2007 and 2010 that the heavy-duty fleet  
5 emissions will be reduced substantially, so the  
6 apportionments that you see will change dramatically in the  
7 future. And we've also learned that the emissions are so  
8 dependent on temperature and fuel type that the results  
9 from the study would be applicable mostly just to Los  
10 Angeles in the summertime. The next slide shows the light-  
11 duty vehicle recruitment sample that we did, and these  
12 vehicles were tested in June of 2001. We actually had 11  
13 vehicles that were light-duty vehicle categories that were  
14 tested. Category 1, for example, was newest vehicles with  
15 lowest mileage. We attempted to collect four vehicles in  
16 that category. Category 2 was a little bit older, 93 to 95  
17 model year, low mileage, up to 75,000. And so we went  
18 through and developed a matrix where we could sample new  
19 vehicles, old vehicles, some new vehicles with high  
20 mileage, new vehicles with low mileage, and old vehicles  
21 with low mileage, and old vehicles with high mileage. In  
22 addition, we - Category 10 is smokers, and we had no age or  
23 model year criteria other than that we wanted them to be  
24 smoking vehicles. This is where the South Coast AQMD  
25 helped us with recruitment. Dean Saito helped us with

1 recruitment in the categories one through nine, and that  
2 was of great help to us. We also tested two light-duty  
3 vehicles in Category 11. The next slide shows the sampling  
4 or testing that was done using BAR's Smog Check ASM test.  
5 All the vehicles that were brought in were actually given a  
6 smog check first as a way of conditioning the vehicles and  
7 it allowed us to see what their emissions levels were  
8 according to the smog check, and I'll talk about that in a  
9 few minutes. Once the vehicles were tested over the BAR  
10 Smog Check ASM test, then they were moved over to EPA's  
11 transportable dynamometer and they were tested over the  
12 unified cycle that ARB developed. That's a high speed,  
13 very aggressive test cycle, much more aggressive than the  
14 federal test procedure cycle. The next slide shows all of  
15 the sampling equipment that was used to measure emissions  
16 from the light-duty and heavy-duty vehicles. It was the  
17 most - up to that time, the most extensive characterization  
18 of exhaust emissions that had ever been done, especially on  
19 in-use vehicles. The next graph figure shows the light-  
20 duty driving cycle that we used in the study and again, it  
21 was the unified driving cycle, also called the LA-92,  
22 developed by ARB. It had two separate phases in it. It  
23 had a cold phase. I've got letters in red on that graph.  
24 It's roughly 1,400 seconds on the dyno. Then there was  
25 about a 10 second soak period where the key was shut off,

1 the car was shut off, and then the car was started back up  
2 to repeat that 1,400 test second cycle and that was a warm  
3 phase. So we had a cold phase over the unified cycle, a  
4 warm phase over the unified cycle. The only difference  
5 between the two is, the car was started up cold for the  
6 cold phase, whereas the warm phase, it started up warm. So  
7 if you take the emissions differences between the warm  
8 phase and the cold phase, then you can calculate the  
9 emissions that are truly attributable to the car being  
10 cold, and that's about the only way you can do that. So  
11 the next slide, then, gives a little story about the  
12 vehicles we recruited in the study. The Bureau of  
13 Automotive Repair recruited those first nine light-duty  
14 vehicle categories that I mentioned. The South Coast AQMD,  
15 the contractor to EPA, recruited the smokers and the  
16 diesels. We had incentives for the program; that is, we  
17 offered the motorist \$200 and a free rental car if they  
18 participated and gave them \$50 if the vehicle was rejected.  
19 We also offered them free repairs up to \$500 if the vehicle  
20 failed the Smog Check inspection, and Dean Saito was  
21 involved with that portion of the study. Now, in the  
22 study, we did recruit seventy-four light-duty vehicles and  
23 fifteen were rejected. Of those fifteen, six were rejected  
24 because the category was over-recruited or were rejected  
25 because of engine or exhaust problems, and three were too

1 large or incompatible with the EPA's transportable dyno.  
2 Two were also rejected for other reasons. One had an  
3 engine rebuild and it didn't fit our categories and the  
4 other one, the owner brought in his vehicle the wrong day  
5 and so we couldn't test it. We also had some interesting  
6 things happen with those vehicles that we tested. One  
7 vehicle overheated on the cold phase of the unified cycle,  
8 so those data were not very useful. Another vehicle's  
9 brakes caught on fire during the cold phase of the unified  
10 cycle, and the fellows doing the testing actually had to  
11 use a fire extinguisher to extinguish the fire on the  
12 brakes. Now, regarding the vehicles that were tested,  
13 thirty-three of those vehicles passed the Smog Check test,  
14 but twenty-four failed, so it's a higher fraction than you  
15 normally see with the Smog Check results, but again, this  
16 data set was weighted toward older vehicles. Seven of the  
17 vehicles that failed were gross polluters, according to  
18 Smog Check criteria. Five of them had been tampered with.  
19 And regarding the OBD, there was only - the only 1996 and  
20 newer vehicle that failed the Smog Check test on our data  
21 set didn't have its MIL illuminated, so it was an OBD false  
22 pass, and that's been discussed earlier today. And then  
23 two of the vehicles had aborted Smog Check inspections and  
24 then two were diesels and at the time, diesels weren't part  
25 of the program, so the Smog Check test didn't apply. The

1 next slide shows the correlation results of PM on the X  
2 axis versus regulated pollutants, and this is just from our  
3 data set only here with this study. The top graph is for  
4 carbon monoxide, the middle graph is for hydrocarbons, the  
5 bottom graph is for nox. And looking at the regulated  
6 pollutants and their correlation with regard to PM  
7 emissions from the vehicles, correlation surprised us, and  
8 it was quite good for hydrocarbons data set. That is, as  
9 hydrocarbons increased, PM emissions increased. The  
10 correlation was not so good for either CO or nox, and this  
11 is the first study where we've actually seen a pretty good  
12 correlation between hydrocarbons and PM. We get more  
13 scatter on average generally, but this is the first study  
14 where we saw that, and I don't have an explanation for  
15 that, other than we did have good correlation. The next  
16 slide, the next three slides, discuss the heavy-duty  
17 vehicles, but we will skip those slides because we're not  
18 talking about heavy-duty vehicles in this presentation, but  
19 Rocky, if you'll go to slide 18, we're going to talk about  
20 the second-by-second data from the light-duty vehicles, and  
21 now you should be on slide number 19. Slide number 19 -  
22 I'm going to show you four slides that give second-by-  
23 second emissions data, and these data are just absolutely  
24 amazing to me. It shows what the automakers have done to  
25 reduce emissions. Slide number 19, Rocky, is for one of

1 the vehicles in our data set. It was vehicle number one.  
2 It's a Toyota Camry, and you see the driving trace on the  
3 top graph. These are speed versus seconds on the cold  
4 phase and warm phase. The second bar or panel is for  
5 carbon monoxide emissions. The third one in green is  
6 hydrocarbon emissions. The fourth one in blue is nox. The  
7 fifth one is PM emissions, as measured by one of our  
8 optical devices. And the bottom graph is black carbon as  
9 measured by a separate optical method. Now, what I want to  
10 show you here is that this vehicle with nearly 50,000 miles  
11 on it, which was not certified to an aggressive driving  
12 cycle such as the LA-92, is very, very clean in its  
13 emissions. You'll see that there's very little CO, very  
14 little hydrocarbon, very little nox being emitted. These  
15 are very low emissions readings, and they emitted pollution  
16 during the cold start, and then they emitted pollution when  
17 this car goes off cycle or has a rapid acceleration, as you  
18 can see around second 900 and second 2,100. You see some  
19 peaks that occur, and those are when the vehicle goes off  
20 cycle. And then the next graph, if you look at it, what  
21 I've done is, I've just overlapped the cold phase and the  
22 warm phase of the unified cycle, so you can see where  
23 there's consistency with regard to the data. Whenever the  
24 blue graph, or the blue lines, show up higher than the red  
25 lines, those emissions are attributable to the cold start.

1       Wherever they match between the cold phase and warm phase,  
2       you can see that the data are reproducible. The car is  
3       doing the same thing all the time. And again, the  
4       emissions for normal emitters come from the cold start and  
5       they come from when the car goes off cycle, and again, this  
6       is for a car that was not certified to this aggressive a  
7       driving cycle. This is a 1995 car; the more aggressive  
8       cycle started to happen in 1996 and later. So again,  
9       there's not much - the cars produce practically no  
10      emissions, except during these few seconds before the CAT  
11      light's off and when the car goes off cycle. Again, an I/M  
12      program is not designed to capture those emissions.

13 CHAIR WEISSER: I'm sorry, could you repeat that, Doug?

14 DR. LAWSON: The vehicles are producing emissions - this car,  
15       for example, the small amount of emissions that it  
16       produces, an I/M program cannot capture because those  
17       emissions are when it goes in cold start or when the car  
18       goes off cycle and I/M doesn't test those conditions.

19 CHAIR WEISSER: Doug, could you just define for me what size  
20       particulates you include in the PM emissions chart and the  
21       black carbon emissions?

22 DR. LAWSON: Yes, those are generally less than PM 2.5, and what  
23       we see for gasoline vehicles, the median diameter by mass  
24       is on the order of about 2/10 of a micrometer in diameter.  
25       The number count has a smaller diameter because of the



1 nanoparticle emissions, so we have a lot of nanoparticle  
2 emissions that are much smaller in size, but they don't  
3 constitute a very large fraction of the mass, and so more  
4 mass comes out a little bit larger, but these are all less  
5 than, generally, PM 1, if you will, and the PM is a - these  
6 are both optical measurements for PM. One of them uses  
7 light scattering. I don't have time to go into detail.  
8 The black carbon uses a sound system where particles  
9 generate sound waves and the sound waves are caught by a  
10 microphone. It's quite elegant, the method, and it  
11 measures black carbon. Does that answer that question?

12 CHAIR WEISSER: Yeah, does.

13 DR. LAWSON: The next slide we go to, slide 21, is of a Jeep  
14 Cherokee, another vehicle again about 50,000 miles. And  
15 you can see here that this vehicle does not go off cycle  
16 for CO and hydrocarbons as the Toyota did and that its  
17 emissions are also very, very low. It has some different  
18 characteristics. It emits different - so I divide CO by  
19 10. And so I treat each vehicle as if it's an entity  
20 polluting the air and I combine all three pollutants, so  
21 again, the emissions reductions are the sum of non-methane  
22 hydrocarbons plus a tenth CO plus nox. And I've plotted  
23 the emission reductions in this data set versus the repair  
24 costs of this data, and I have three symbols. The OBD  
25 failures, the cars that failed by OBD only, there are 40 of

1       them. Those are the blue circles. Then the red square  
2       represents the cars that failed OBD and IM-240 and there  
3       are six of them and they're the red squares. And then  
4       there are two cars that failed - or trucks - that failed  
5       with IM-240 only, and they're the green triangle. And then  
6       I've also drawn in here the Smog Check repair cost waiver  
7       of \$450, and when you count all the dots, fifteen vehicles  
8       out of the forty-six - I'm sorry, forty-eight - fifteen out  
9       of forty-eight had repair costs greater than \$450. So if  
10      you use that \$450 cost waiver, a third of them would either  
11      not be repaired or would have exceeded the cost limit.  
12      You'll also note from the graph that the highest repair  
13      costs can be attributed to OBD repairs. The greatest  
14      emission reductions, however, come from IM-240, and you can  
15      see that very clearly on this graph. Slide 39 presents the  
16      data in another way. The top graph are dollars per gram  
17      emission reduction, and again, the gram emission reduction  
18      is the sum of hydrocarbons plus a tenth of carbon monoxide  
19      plus nox, and we see that the cars that failed OBD, and  
20      there are forty-six of them, the dollars per gram emission  
21      reduction was about \$500 per gram, and I'm summing up all  
22      of the emissions reductions from all of those forty-six  
23      vehicles. IM-240, the costs in terms of per gram production  
24      is about \$80, so you have about a factor of eight between -  
25      about a factor of six between the two. So it costs about

1 six times more per gram for OBD failing cars than it does  
2 IM-240 cars. The bottom graph shows even more dramatic  
3 differences, where I've broken them out into three separate  
4 groups. The blue bar is cars that failed for the MIL  
5 illuminated only, the blue crosshatched bar is for cars  
6 that failed the IM-240 plus OBD, and then the green bar is  
7 for the cars that failed the IM-240 only. You'll see here  
8 in this data set that the cars that failed with the MIL  
9 illumination only, the cost is about \$1,100 per gram, as  
10 opposed to costs of about \$80 per gram for the OBD plus IM-  
11 240 failures or the IM-240 only. The next graph shows how  
12 much it costs per repair. Again, what we have here are  
13 grams reductions, the sum of un-methane hydrocarbons plus  
14 CO plus nox, and what we see here is that the average  
15 emission reduction per repair is about one gram for the  
16 forty-six cars per repair. The OBD, however, repairs them  
17 - we get a four-gram per repair efficiency. Now, if you  
18 look at the bottom graph, it's even more dramatic when you  
19 look at the cars that failed the OBD only without the MIL  
20 illuminated, and you only get about a third or 4/10 of a  
21 gram per repair reduction as opposed to the cars or trucks  
22 that failed the OBD and IM-240, or IM-240 alone. I realize  
23 these are a lot of data to be presenting quickly, but we  
24 just don't have much time, but I just wanted to show the  
25 differences between these. This next graph is a summary

1 data table of all of these vehicles that are in this data  
2 set for which we have pre- and post-repair FTP data. There  
3 were forty-six cars that failed the MIL and OBD. The total  
4 repair costs of those forty-six vehicles was \$20,000. The  
5 total repair costs of the cars that failed the MIL plus IM-  
6 240 in that next graph, Rocky, which is slide 41, is  
7 \$1,800. There were two vehicles that failed the IM-240 but  
8 didn't have their MIL illuminated. It cost a total of  
9 \$736. And then there were forty cars who had their MIL  
10 illuminated, but they didn't fail the IM-240, and their  
11 total costs are \$19,000. So now you can compare the  
12 cumulative emission reductions or cost per repair. The  
13 right hand column is quite dramatic. This is the repair  
14 effectiveness in terms of dollar per gram reduced. MIL  
15 plus OBD - the MIL and OBD failures cost about \$500 per  
16 gram. If you have a car that failed the IM-240, whether  
17 the MIL is illuminated with it or not, it costs about \$70  
18 or \$80 per gram. And for the vehicles who have a MIL  
19 illuminated but haven't failed IM-240, it costs about  
20 \$1,100 per gram. We've got nearly an order of magnitude  
21 difference in cost between the most efficient versus the  
22 least efficient way of getting emission reduction. The  
23 next graph is quite revealing. This graph shows - what  
24 I've plotted is the emission reductions, again,  
25 hydrocarbons plus CO plus nox, between the pre- and post-

repairs. I've rank ordered those emission reductions from cars that obtained the highest emission reduction to the cars that obtained the least emission reduction. There are a number of cars and trucks in the study whose emissions actually increased after repairs, and those are vehicles forty-two through forty-six on the right hand part of the slide. You'll recall also that there were two vehicles that OBD missed. Now, what again is, I've ranked these cars from greatest emission reduction to least emission reduction and once I do that, then I calculate the cumulative emission reduction. And you'll see with that blue line that starts on the left and then goes up to the top, and I can't point that out remotely, but what we see is with only four vehicles in the study, we get half of the emission reduction. So again, just let me repeat: only four vehicles in the study produced half of the emission reduction, and that's what that solid line represents. Also, I've got something written in red. Recall that two - recall, if you will, that the OBD missed two vehicles. It turns out that their emissions were quite high, and so when you look at what OBD missed, plus the five vehicles in the data set whose emissions increased after repairs, you have to actually - what you do is, you lose benefit from thirty-five. In fact, I made an error. That should be thirty-six out of forty-six failures, because you had OBD missing two

1 vehicles and then you had some increased emissions after  
2 repairs. So just to explain this a little bit more  
3 clearly, there were roughly thirty-six cars failed in the  
4 study whose emission benefit was offset by the two that  
5 were missed, plus the cars whose emissions increased after  
6 repairs. So roughly 3/4 of the money that was spent on  
7 repairs in the study went to no net benefit to air quality,  
8 because you had OBD missing some high emitters and then you  
9 had a few cars whose emissions increased after repairs.  
10 Slide 43, our findings. Under ideal conditions - remember,  
11 this high mileage study separated the motorist from the  
12 technician, so it's a completely government-run program.  
13 We have to mention that. So this is totally ideal, where  
14 the motorist was removed and the technician knew that his  
15 or her work is being monitored. Repairs from eight  
16 vehicles failing the IM-240 did capture 81 percent of the  
17 OBD reductions, so it's true that OBD did capture more of  
18 the reductions, as EPA said in their report. However, the  
19 most expensive repairs were from the OBD repairs. The  
20 largest emission reductions, however, came from the  
21 vehicles that failed the IM-240. Half of the study's net  
22 emission reductions came from less than 10 percent of the  
23 vehicles, and the OBD false passes plus the net emission  
24 increases meant that thirty-six out of the forty-six  
25 repaired vehicles produced no net improvement to air

1 quality and that roughly \$15,000 out of the \$20,000 was  
2 spent on repairing vehicles with no benefit to air quality.  
3 I'm going to discuss one other issue that concerned the  
4 National Academy of Science Committee, and that's this lack  
5 of overlap issue in slide 44, Rocky. We'll go to slide 45.  
6 These are data selected from Colorado's IM lengths, and in  
7 Colorado, we use a centralized IM-240 program. The repair  
8 costs in Colorado average \$285, and those are self-reported  
9 data, and we get those data from only about 13 percent of  
10 all failing vehicles. So again, I can present more  
11 information on repair cost. Repair cost data from states  
12 are not very good because it's self-reported. The data are  
13 really quite incomplete, and then you don't know when the  
14 data are self-reported if they've fudged and they've gone  
15 high or low with the numbers, but at least in Colorado, our  
16 average repair costs are \$280. Now, this is a severe  
17 problem. It's been observed in every state, every state  
18 where there's an emissions tailpipe test given and an OBD.  
19 Back in a two-year period between July 2000 and the year  
20 2002, there were roughly 600,000 vehicles that came in for  
21 testing that were 1996 and newer during that two-year  
22 period. And the good news is, there were very few failures  
23 from those cars because they're built so well and they're  
24 so clean, but the bad news is, if you look at the large  
25 oval that's white, about 8,700 of them failed with the MIL

1 on. The oval that's shaded in kind of a pink, there were  
2 1,200 of them that failed the IM-240, but only two-hundred  
3 sixty-eight vehicles failed both tests. You'll observe  
4 also that there were eighty-four vehicles that failed the  
5 IM-240 whose MIL was commanded on, but it wasn't on. And  
6 then in this data, also there were 3,100 vehicles in the  
7 lower oval in the lower left whose MIL was commanded on,  
8 but it passed all the visual and exhaust tests given in the  
9 Colorado program. Now, I've done some calculations with  
10 the data from this data set, and what we get for emission  
11 reductions is, all of the emission reduction benefit that  
12 comes from the MIL on comes from only those two-hundred  
13 sixty-eight vehicles that failed both tests, and so these  
14 data - we were very concerned, the National Academy of  
15 Science Committee, when we saw these data, and this has  
16 been repeated in other states, so it's just not a Colorado  
17 phenomenon, but you could do it in California. We've seen  
18 it in the state of Oregon, state of Wisconsin. Every place  
19 that does emission testing and OBD testing, there's very  
20 little overlap between cars that fail the MIL and fail  
21 emissions test, as one of your Committee members mentioned  
22 earlier today. We thought that perhaps the lack of overlap  
23 problem would go away as the vehicles, their OBD systems,  
24 got better, so if you go to slide 46, Rocky, this is  
25 information obtained in a two-year period running through



1 January 2003 to December 2004. This data set is 883,000  
2 vehicles, nearly 900,000 vehicles, 96 and newer, again in  
3 Colorado. These ovals are not drawn to scale. And what we  
4 see here is, again, there's good news in that there are  
5 very few failing the tests. That's the good news. The bad  
6 news is, the lack of overlap issue is more severe than it  
7 was before because you've got more cars that are failing  
8 with the MIL on, more cars that are failing the IM-240  
9 test, but there's very, very little overlap between those  
10 two. So all of the emission benefit that you get from the  
11 program comes from the cars that fail the exhaust test, and  
12 so we've written up a couple of documents that show fairly  
13 clearly that if you go with an OBD only program as part of  
14 I/M, that air quality will get worse because OBD is missing  
15 the highest emitters. So the last slide, slide 47. This  
16 is the last slide in my presentation. Regarding this lack  
17 of overlap problem, OBD serves as a great early warning  
18 system to the motorist that something might be wrong.  
19 However, it is far too stringent. The cut points were set  
20 way too stringent. Shouldn't have been done that  
21 stringently, in my opinion. OBD, MIL testing, and an I/M  
22 program fails many more vehicles than does tailpipe testing  
23 because the OBD standards are far more stringent than  
24 exhaust cut point. And in an I/M setting, as I mentioned  
25 earlier, an OBD only inspection and repair program will

1       worsen air quality over the near term rather than improve  
2       it, given that the highest emitters are missed by OBD,  
3       while OBD identifies many marginal and low emitters with  
4       little emission benefit at large cost to society. And with  
5       that, I'd be glad to answer any questions.

6 CHAIR WEISSER: Whew. Everybody in the audience and on the  
7       Committee get that? Well, let's go back, Doug.

8 DR. LAWSON: Mr. Weisser, can you speak up just a little bit,  
9       please, for me?

10 CHAIR WEISSER: Is this any better?

11 DR. LAWSON: Yes.

12 CHAIR WEISSER: Okay, first, Doug, where do these studies stand  
13       in terms of peer review?

14 DR. LAWSON: Regarding the gas-diesel split study, we have  
15       submitted a total of six papers for peer review, and those  
16       papers regarding the results of the gas-diesel split study  
17       are now being peer reviewed. They've also gone to ARB and  
18       EPA, the draft final reports, for their review and  
19       comments. We've also sent them to industry groups for  
20       their review and comments, so again, what we see with gas-  
21       diesel split, it's showing that high-emitting gasoline  
22       vehicles are very important to contribution of bad air  
23       quality in Los Angeles. And to answer that question,  
24       that's being peer reviewed. Regarding the EPA report on  
25       the high mileage study, that paper was peer reviewed, and

1 I'm going to be, and maybe one other person, will be  
2 writing up a response to a letter to the editor, because we  
3 get some quite different observations and findings from the  
4 EPA results, so in my opinion, I don't think it went  
5 through very good peer review.

6 CHAIR WEISSER: And do you anticipate, on the first study, the  
7 split study, getting something back from ARB and EPA?

8 DR. LAWSON: Yes, we've already received comments from ARB, and  
9 if ARB consents, I would be glad to share those comments.  
10 They were very good comments and will improve the quality  
11 of the papers and reports and so forth. But again, as I  
12 mentioned, Vic, these papers are going through the normal  
13 process of peer review and whatever comments we get, we  
14 welcome, because they will make the final product even  
15 better.

16 CHAIR WEISSER: It seems to me the implications of the analysis  
17 are huge in terms of the direction of the state's diesel  
18 particulate - I should say particulate - reduction  
19 measures, which have been aimed mostly to date, I guess, at  
20 heavy-duty vehicles and off-road vehicles. I didn't  
21 realize that such a significant amount of these diesel -  
22 these particulates are coming from light-duty vehicles.

23 DR. LAWSON: Yes, if you will go back to slide - let's see,  
24 Rocky. If you can go back to slide number -

25 MR. CARLISLE: That's going to be 28.

1 DR. LAWSON: Let's see, slide number 30. Slide number 30, the  
2 one group did apportionments in different parts of the LA  
3 basin, Vic, and so what was observed in the ports of Los  
4 Angeles and Long Beach was that most of the PM observed  
5 there was actually from diesels, because there's so many  
6 diesels around there right near the port, loading and  
7 unloading. But if you go to other parts of the basin -  
8 again, this is a real interesting thing from the study that  
9 we actually observed, that in places where there are a lot  
10 of on-road diesels right now, that there's a significant  
11 contribution coming from diesels, but once you get away  
12 from those locations where there are tons of diesels on the  
13 road, because there's so many more light-duty vehicles  
14 driving around relative to diesels, then the contribution  
15 coming from gasoline vehicles is very much more important.  
16 And so if you're on Venice Beach on Saturday or if you're  
17 at the Rose Bowl after a soccer game, or maybe in a  
18 residential area in urban Los Angeles, then you're getting  
19 a lot of PM coming from spark ignition vehicles.

20 CHAIR WEISSER: Do you have a sense - did you do an analysis of  
21 what aspect of the combustion cycle is contributing to the  
22 particulate formulation?

23 DR. LAWSON: Yes, we see from those second-by-second data that  
24 for normal emitters, the PM comes from either the cold  
25 start or where the vehicle goes off cycle; that is, when

1       you put the pedal to the metal.

2 CHAIR WEISSER: Let me rephrase the question, Doug. Is this PM  
3 being formed by the combustion of the gasoline or by oil  
4 intruding into combustion chambers?

5 DR. LAWSON: Well, you've answered our next research project  
6 that we're starting to undertake and we're hoping that we  
7 will be able to collaborate with ARB and the South Coast  
8 AQMD on that, because it's been so politically difficult to  
9 address the high emitter. And we've known about high  
10 emitters since they were first reported to ARB back in  
11 1983, and nobody still - there's no high emitter program  
12 anyplace in the country yet, so it's a difficult political  
13 problem. We're wondering whether or not, if we can do  
14 anything about reformulating lube oil to reduce the ash and  
15 PM that would come from lube oil and thereby reduce the PM  
16 emission, so we're going to embark upon a research program  
17 over the next two to three years with other agencies and  
18 industry groups to understand if anything can be done to  
19 lube oil to reformulate it to reduce PM emissions and go  
20 after the source rather than try to deal with other things,  
21 since we're not dealing with high emitters effectively.

22 CHAIR WEISSER: Once again, on the PM split study, the sample  
23 size is modest, I'm sure, due to -

24 DR. LAWSON: It's very small.

25 CHAIR WEISSER: So how confident can you be in this data,

1       considering?

2 DR. LAWSON: Well, that's a great question. That's why we  
3 weighted our sample set toward older vehicles, because  
4 again, the likelihood of a car being a high emitter is  
5 greater for older vehicles or high mileage vehicles than it  
6 is for new vehicles. And when we started the study, we  
7 didn't know very much about PM emission, and thanks to Dean  
8 Saito when he was at the BAR, he really was a great  
9 assistance to us in helping recruit these cars. It is  
10 very, very expensive to recruit these cars, and this is a  
11 multimillion dollar study, Vic, and we spent probably three  
12 quarters of the money in the study on testing vehicles  
13 rather than doing the ambient sampling. It costs a ton of  
14 money to test cars, and this is the biggest, best data and  
15 most comprehensive data set that we have anywhere up to  
16 this point on light-duty vehicles. Now, we're doing a  
17 study in Kansas City with the EPA and industry groups and  
18 Federal Highway Administration where we've recruited 500  
19 vehicles, and that'll be of use to EPA's mobile model and I  
20 think ARB will use it too, but the point being, this is the  
21 best that we could do with the dollars that we had. Again,  
22 if you're trying to capture where most of the emissions  
23 come from, you want to emphasize an older fleet and  
24 emphasize higher emitters, because a high emitter can emit  
25 as much as 1,000 times the PM that a clean car emits today.

1       So you've got to understand that part of the tale of the  
2       distribution very well.

3 CHAIR WEISSER: Is the fact that the data sample from the study  
4       is five years old - in other words, the cars are - they're  
5       older, they're not the most modern of our fleet now. Does  
6       that have any implications, considering what you've just  
7       said? I mean, it seems to me it doesn't, that, you know,  
8       you're still most worried about the older, higher-emitting  
9       cars.

10 DR. LAWSON: Well, I don't know if you've seen present - I think  
11       you might have seen them in the past, Vic, and I know that  
12       other - I know that Dennis DeCota has seen them in the  
13       past, when I was consulting to the Committee before, but  
14       what we see with high emitters is that they're not being  
15       removed from the road. The I/M programs miss them because  
16       people cheat and find ways to get around it, because of the  
17       economic incentives to pass rather than fail. And so I  
18       could show you, which I don't have in this presentation,  
19       where we have three-dimensional what we call quintile or  
20       decile plots, but the high emitters continue to be forward  
21       and found in the fleet with time and they don't go away.  
22       And the largest number of high emitters are found at about  
23       ten years in age and they've always been at ten years in  
24       age. They're always found about ten years in age. That's  
25       the maximum number per model year, and we've found also

1       that on average, the oldest part of the fleet is pretty  
2       clean, so that explains very perfectly why we're having so  
3       much trouble attaining the air quality standards, because  
4       we're not controlling in-use emissions, and moreover, for  
5       ozone. When you reduce nox emissions, it makes ozone  
6       worse, as we've documented very closely in California  
7       (overlapping).

8 CHAIR WEISSER: Let's not go there today. Thank you, Doug. I  
9       have one more question before I'm going to open to other  
10      members of the Committee, on slide number 7.

11 DR. LAWSON: Seven?

12 CHAIR WEISSER: Yeah, there's some jargon that I don't have any  
13      idea what it means: maximum amount of secondary  
14      carbonaceous PM formed.

15 DR. LAWSON: Okay, yes.

16 CHAIR WEISSER: What does that mean in English?

17 DR. LAWSON: Yes, when we designed this study, I wanted to make  
18      it the most difficult study we could for the people that do  
19      the source apportionment, and that is, in the summertime in  
20      Los Angeles, that's the maximum period of photochemical  
21      activity, the highest ozone, and we also know that's the  
22      time of year when there's the largest amount of secondary  
23      particles that are being formed in the atmosphere. And so  
24      when you have a lot of secondary carbonaceous material  
25      being formed in the atmosphere, it makes the apportionment



1 more difficult, because you have more mass chemically  
2 that's being sampled in the air. And so if you go back -  
3 if you were to go back to those bar charts, you can see  
4 there's a significant amount of the PM that's not  
5 attributed to any of the sources that are mentioned there  
6 because we don't have enough information as to what's  
7 forming that other component. So I wanted to make this the  
8 most difficult, challenging job we could for the source  
9 apportion by doing it in the summertime, when cold-cold  
10 start emissions are non-existent, because the cold start is  
11 very important in the wintertime in LA. And secondly, in  
12 the summertime in Los Angeles, there's a lot of secondary  
13 organics being formed and it makes the apportionment very  
14 difficult. So I made this study the most difficult that we  
15 could do to do source apportionment. It would have been  
16 easier retrospectively, looking out the back window of the  
17 bus, to have done it in the wintertime, when you have much  
18 higher cold start emissions and much less photochemical  
19 activity.

20 CHAIR WEISSER: Very good. Let's start asking questions from  
21 other members of the Committee and we'll start from my far  
22 right. I think the first questioner is - Dennis, is your  
23 microphone up?

24 MEMBER DECOTA: It's (inaudible).

25 CHAIR WEISSER: Okay, Jude.

1 MEMBER LAMARE: Thank you, Mr. Chairman. Jude Lamare. I guess  
2 considering PM emissions - the take-home message here might  
3 be that considering PM emissions, there's even more  
4 incentive for clean air advocates to get high emitters  
5 removed from the road. Clearly, for me, I've been  
6 pondering, well, how do we take credit for PM emission  
7 reductions on the light-duty side? It's still a mystery.  
8 It appears that Smog Check really doesn't help us with PM  
9 emissions. If it does, then we certainly would want to  
10 count for that in the Smog Check program, but I did look a  
11 little more closely, since our last meeting, about the  
12 inventory and where the inventory is and what ARB is  
13 proposing to do about PM reductions, so I'm going to ask  
14 Rocky to hand out to the members of this Committee some of  
15 this information for our background purposes. First of all  
16 - I need to go over it first, then I'll give it to you at  
17 the break, so that -

18 MALE: When's the break?

19 MEMBER LAMARE: After lunch. First point is that PM, fine  
20 particulate matter 2.5, on-road mobile sources are only  
21 four percent of the total emissions of PM 2.5, so obviously  
22 when ARB goes about preparing a plan for particulate  
23 emission reductions, which they have done, there's very  
24 little in -

25 COMPUTER: This conference is showing no activity. If you'd

1       like to continue the conference, press star one now.

2 CHAIR WEISSER: Hang on, Doug.

3 MEMBER LAMARE: There's very little in that plan, Proposed List  
4 of Measures to Reduce Particulate Matter that was released  
5 about a year ago, that deals with light-duty. The one  
6 measure that does deal with light-duty says, replace or  
7 upgrade emission control systems on existing passenger  
8 vehicles, pilot program for nox and VOC, and the proposed  
9 date for Board consideration was 2005. So I think the  
10 Committee might want to hear from ARB at some later date  
11 about how are they evaluating that control measure today  
12 and is there a plan at ARB about reducing in-use light-duty  
13 particulate matter and accounting for the emission  
14 reductions that we're getting? The inventory numbers show  
15 that diesel PM and light-duty PM 2.5 are about the same -  
16 were about the same, as Dr. Cahill was saying last time,  
17 that what these studies are showing on the road and when  
18 you look at their actual impact, is that diesel and light-  
19 duty emissions of PM 2.5 are about equivalent out there on  
20 the road, and so just focusing on diesel PM probably  
21 doesn't make a lot of sense. However, I would point out  
22 that ARB's motivation in doing so has to do with diesel PM  
23 being a toxic air contaminant, and they have a very strong  
24 mandate to reduce toxic air contaminants, and the light-  
25 duty PM has not been evaluated in the same way. So just a

1 little bit of background and explanation as I saw the PM  
2 issue in existing ARB inventory and planning documents, and  
3 I'll make that available to the Committee. Thank you.

4 CHAIR WEISSER: Has the light-duty PM been evaluated to  
5 determine whether it's a TAC?

6 DR. LAWSON: I could answer that question.

7 CHAIR WEISSER: Go for it, Doug.

8 DR. LAWSON: It hasn't been done on the state of California  
9 level. However, we funded a study about three or four  
10 years ago, and I could share the overall results or reports  
11 from the study, but all we observed was that looking at the  
12 comparative toxicity of emissions - now, I'm not a toxicity  
13 health effects expert, so this is outside my area, so I'm  
14 just repeating the results of the work, but it showed very  
15 clearly that depending on the measure of toxicity that was  
16 used, gasoline toxicity and the PM and semi-volatiles was  
17 equivalent to that from diesel. Moreover, as a vehicle  
18 became a higher emitter, the toxicity of the exhaust became  
19 even more toxic relative to the amount of toxic outcome per  
20 unit mass, meaning that high emitters were not only  
21 emitting more PM and SVO, semi-volatiles, to the air, but  
22 the relative toxicity of that exhaust from the high  
23 emitters was worse on a mass per unit basis. So that's led  
24 us to suspect that perhaps lube oil is causing the problem  
25 here.

1 CHAIR WEISSER: Thanks, Doug.

2 DR. LAWSON: (Overlapping) the inventories that Jude mentioned -

3 The reason we're doing this big study with EPA right now  
4 is, EPA does state publicly in meetings and different  
5 testimony that they do not have any smoking vehicles or  
6 high emitters in the mobile model. So it shows very  
7 clearly that the inventories that are being constructed  
8 nationwide - and I would have to assume this has to be for  
9 California, because the models are not all that different  
10 from one another - that mobile emissions from spark  
11 ignition are being grossly underestimated by the models.  
12 But again, if you look at those inventories - I'm sorry,  
13 those source apportionment studies - that I was reporting  
14 there, you'll see that the apportionment of materials to  
15 their sources are different from what the inventories say.  
16 So the real world studies always and consistently have  
17 shown differences between what we see in the air and what  
18 we see in the inventory.

19 CHAIR WEISSER: Oh, how interesting. Dennis?

20 MEMBER DECOTA: Yes, Mr. Lawson, Dennis DeCota. How are you?

21 DR. LAWSON: Fine, Dennis. How are you doing?

22 MEMBER DECOTA: Good, thank you - testing of the 60 light-duty  
23 cars. You seem to have witnessed an excellent correlation  
24 between HC emitters and PM emitters.

25 DR. LAWSON: Right.

1 MEMBER DECOTA: Have you looked at the vehicles and determined  
2 whether or not they should have or did appear on the BAR's  
3 high emitter profile list?

4 DR. LAWSON: No, we didn't. I really haven't had time to go  
5 back and look at them to see if they appeared on the high  
6 emitter list, per se, if that was your question, Dennis.

7 MEMBER DECOTA: It is my question.

8 DR. LAWSON: Yeah, and so I didn't do that. I will say also  
9 that this is the first study of maybe two or three that I'm  
10 aware of where we've seen such a good correlation. Other  
11 studies, we don't see the correlation that good between  
12 hydrocarbons and PM.

13 MEMBER DECOTA: Is that something, at least on the, you know,  
14 the major offenders, the four vehicles, that could be done  
15 easily?

16 DR. LAWSON: Ask me again, please. I didn't hear well.

17 MEMBER DECOTA: Can you try to take and determine the  
18 correlation between the worst offending, the four worst  
19 offenders, and see if they are on the BAR's high emitter  
20 profile list?

21 DR. LAWSON: Yes, I'd be glad to do that, if I had somebody from  
22 BAR that I could work with.

23 MEMBER DECOTA: I'm sure you do.

24 DR. LAWSON: And I could do that -

25 MEMBER DECOTA: They're nodding their head affirmative.

1 CHAIR WEISSER: They're just nodding. One of the issues here,  
2 of course, is the sample size, which, you know, whether  
3 they're on or off is - it'd be interesting, but it's  
4 certainly not -

5 MEMBER DECOTA: Four basic vehicles created 80 percent of the  
6 emission issue, right?

7 CHAIR WEISSER: Yeah, but they - those four vehicles. I mean, I  
8 don't object to you asking the question or anything. I'm  
9 just not sure that the answer is going to be helpful. What  
10 would be helpful is if in fact, there was a useful HEP that  
11 could be aligned with this sort of, you know, of, you know,  
12 analysis. That, I think, is the underlying question.  
13 Maybe I'm wrong. Please continue, Dennis. I'm sorry to  
14 be -

15 MEMBER DECOTA: No problem. I feel that you feel - I just want  
16 to clarify this. This waiver issue as it exists today is  
17 basically hurting our ability to reduce emissions greatly.  
18 Is that not correct?

19 DR. LAWSON: That's correct. I guess if I were king or ruler, I  
20 would do away with the cost waiver limit altogether,  
21 because it seems like it's silly to have society spend so  
22 much money to inspect so many cars and then excuse or waive  
23 some out of the program because you've had a cap. Note  
24 also the data from the EPA high mileage study that a third  
25 of those cars exceeded the \$450 cost repair limit.

1 MEMBER DECOTA: I understand. That's my next question.

2 California's \$450 cost limit has the ability to be  
3 ratcheted up with an inflator index. In your opinion,  
4 should we be addressing those issues of increasing those  
5 repair cost issues from the present \$450?

6 DR. LAWSON: Yes, Dennis, in my opinion, you should. With Dr.  
7 Williams, though, as he would tell you, when you increase  
8 cost, then demand decreases, so there may be added  
9 incentives for people to avoid or cheat once they fail, so  
10 we don't have much information on that. Now, Colorado,  
11 where I reside, we did increase the cost repair limit from  
12 around \$250 up to \$700 about three years ago, and there are  
13 some limited data from the state, I think I'd mentioned to  
14 Rocky Carlisle the last - maybe on a meeting where I  
15 participated by phone. And unfortunately, that sample size  
16 is so small of vehicles that get repairs, we don't have a  
17 whole lot of information, but whatever is available, I  
18 think at least the state of Colorado would be very willing  
19 to share with California.

20 CHAIR WEISSER: I should interject, Dennis, earlier in the day,  
21 we had a discussion on the, you know, the item you just  
22 went over and we were asked by BAR what do we want in our  
23 question to them regarding the waiver limit. I kind of  
24 delineated the sort of things that we're interested in  
25 seeing in writing from BAR. And (inaudible) I swear and



1       promise that I had no conversations with Dennis DeCota  
2       prior to him walking in the room, and he's coming at this  
3       *de novo* and it shows some level of interest in the issue,  
4       so please proceed, Dennis.

5 MEMBER DECOTA: And my last - I think my last question is, have  
6       you any method of determining whether the PM particulates  
7       from motor oil have the same fingerprint as that of  
8       synthetic oil?

9 DR. LAWSON: That's a very good question, Dennis. We are  
10      actually - in our study that we're putting together, we are  
11      actually going to take a look at mineral oil-derived lube  
12      oil versus synthetics, and see if we can get some  
13      information on differences in composition as well as  
14      emissions from both clean vehicles and high-emitting  
15      vehicles to see if there's any difference on that. So  
16      we're kind of pushing the level or the envelope on that,  
17      but we want to try to understand if synthetics can help the  
18      issue.

19 MEMBER DECOTA: I appreciate you addressing my questions, and  
20      it's good to hear from you.

21 DR. LAWSON: Thank you, Dennis. It's good to hear from you,  
22      too.

23 CHAIR WEISSER: Thank you. We'll go to Mr. Hisserich.

24 MEMBER HISSERICH: Yes, how do you do? John Hisserich. On  
25      slide number - oh, I thought I pushed it. On slide number

1       30, there -

2 DR. LAWSON: What was the slide number again?

3 MEMBER HISSERICH: Thirty, 3-0, the carbon contributions to  
4 total carbon at various sites.

5 DR. LAWSON: Yeah.

6 MEMBER HISSERICH: Could you bring that - it's hard to see in  
7 the book. Rocky's looking for it. I just want - the  
8 difference between the upper set of data and the lower set  
9 of data is? Again, I wasn't quite sure what those  
10 distinctions were.

11 DR. LAWSON: Yes, those are two different competing methods that  
12 are being used by researchers to characterize particulate  
13 carbon.

14 MEMBER HISSERICH: Okay.

15 DR. LAWSON: And they're both competing. There's a lot of  
16 emotion about which group is right, and so I call it Carbon  
17 Wars, and one of the groups' method is called the improved  
18 method.

19 MEMBER HISSERICH: I see that now.

20 DR. LAWSON: And it's based on the ambient monitoring network  
21 that's run by the National Park Service. The STN network  
22 is operated by EPA and it's also a national ambient network  
23 that's being run nationwide. Each of those two monitoring  
24 networks uses a different method for analyzing elemental  
25 and organic carbon, and as you can see, depending on which

1 method you use, you get different apportionment results.

2 MEMBER HISSERICH: But they're not wildly different. I can see  
3 that. Let me just ask now, on each of those graphs, the  
4 part that is white would still be carbon; that is from -  
5 the residual from other sources. Would you assume that  
6 that's from stationary sources or what?

7 DR. LAWSON: Well, that's a good question. Because we did this  
8 in the summertime, a significant amount of that aerosol  
9 that's formed in the PM 2.5 is secondary; that is, it's not  
10 directly emitted. And so it's my technical, personal  
11 feeling that a good amount of that that's unidentified or  
12 residual is probably coming from mobile sources; that is,  
13 it's coming from gas or diesel, but we don't have enough  
14 information on this. Remember, I did this in the  
15 summertime when it would challenge the people who were  
16 doing this to the max, if you will.

17 MEMBER HISSERICH: Right.

18 DR. LAWSON: And had we done this in wintertime, there would be  
19 far less residual and even more attributed to spark  
20 ignition, because the cold start really influences cold  
21 start - cold temperatures really influence cold start  
22 emissions from gasoline.

23 MEMBER HISSERICH: Well, and one that's interesting to me is the  
24 Azusa on Sundays, which is not - it's an area that during  
25 the week has some industrial activity, although somewhat

1 spread out, but that the readings are somewhat low for what  
2 we know to be immobile sources on Sundays. Seemed  
3 interesting to me. And let me ask you as well, the ones  
4 that you did - for example, Venice on Saturday and Rose  
5 Bowl on Saturday, those were intended to be - or to damp  
6 out the effect of industrial sources, I guess you could  
7 say, for lack of another term or what? I was just trying  
8 to -

9 DR. LAWSON: Yes, that's a great observation. It was to do that  
10 as well as test the sensitivity of the models, because  
11 intuitively, if you're over at Venice Beach on weekends,  
12 there aren't going to be many trucks lumbering around over  
13 there.

14 MEMBER HISSERICH: Right, it's cars.

15 DR. LAWSON: And at the Rose Bowl, this is a Rose Bowl Saturday  
16 night soccer game. There are not many trucks in the Rose  
17 Bowl parking lot; rather, motorists starting up their cars  
18 after the soccer match ended. So this is a good way to  
19 test the sensitivity of the models to see if they're  
20 responding the way you intuitively would think they would.

21 MEMBER HISSERICH: And were there -

22 DR. LAWSON: Also, this observation of maybe lower contribution  
23 on Sunday is what we've observed from our weekend ozone  
24 studies. We see much different and lower, especially truck  
25 traffic and bus traffic on weekends, and we now are using

1       these weekday-weekend studies to apportion PM, given that  
2       we see - and we've done vehicle counts in the LA basin to  
3       document that, so it's a very powerful tool that we have  
4       for doing apportionment studies and to try to verify  
5       emission inventories.

6 MEMBER HISSERICH: And did you take readings, presumably, at the  
7       Venice site and the Rose Bowl site and so on during the  
8       week?

9 DR. LAWSON: No, because that was mobile measurements. These  
10      are mobile measurements that were done and we just had one  
11      vehicle and just a limited amount of time, so we just  
12      picked those sites of interest.

13 MEMBER HISSERICH: Just sort of to calibrate against, I guess  
14      you could say.

15 DR. LAWSON: Yes.

16 MEMBER HISSERICH: Okay, thank you.

17 DR. LAWSON: You're welcome.

18 CHAIR WEISSER: Thanks. We'll go to Jeffrey.

19 MEMBER WILLIAMS: I have four questions, one on your first  
20      presentation and three on the second. Let me ask the first  
21      question about the first study. There seems to be no  
22      information here about how long the particulate matter  
23      stays in the air. When you talk about Rose Bowl on a  
24      Saturday evening, I presume that no truck -

25 DR. LAWSON: I'm having trouble hearing the question.

1 MEMBER WILLIAMS: I'm trying to understand the lag effects in  
2 this study, which I would exemplify by saying, when the  
3 data for the Rose Bowl on Saturday evening, how much does  
4 it matter that some diesel truck went by on Thursday  
5 afternoon? I guess you're saying zero.

6 DR. LAWSON: That's a good question. During these studies, what  
7 we've observed is that one could be very interested in the  
8 amount of carryover that might influence what you're  
9 measuring in the air. However, in these what we would call  
10 a microscale study, such as measuring the air in the  
11 parking lot at the end of a soccer game or whether you're  
12 over at the beach on a Saturday afternoon, you're really  
13 measuring what's fresh and newly emitted, and that's going  
14 to totally dominate whatever might have been carried over,  
15 even from preceding hours, let alone days. So we feel  
16 confident about those findings from the perspective that  
17 these are microscale phenomena and you're probably 95  
18 percent or even higher of what's being measured is directly  
19 emitted at that site from just the few minutes before the  
20 measurements were taken.

21 MEMBER WILLIAMS: There is something intrinsically interesting  
22 about the carryover effects, nevertheless, right?

23 DR. LAWSON: Yes, and that's why some of these neighborhood  
24 sites are very interesting. For example, the San Dimas  
25 monitoring site is what I would consider a neighborhood

1 residential site, and it's a central basin site, and it has  
2 everything that's been going on in the atmosphere not only  
3 that day, but from prior days, and you see there when it's  
4 all mixed and mushed up and everything else and allowed to  
5 react photo chemically and you have deposition that's  
6 occurring as well, about half of it's coming from gas and  
7 half is from diesel.

8 MEMBER WILLIAMS: Let me ask about the OBD II study now. The  
9 first is a technical question about slide number 38, where  
10 you've summed the hydrocarbons, the nox, and one tenth of  
11 the carbon monoxide to get one index of pollution. I  
12 appreciate that the main reason you're doing this is that  
13 putting three different axes with each pollutant plus the  
14 cost involves a four dimensional graph that you haven't, or  
15 anyone else invented yet, how to display. My question is  
16 simply, how well known is this waiting index of one plus .1  
17 plus one?

18 DR. LAWSON: Dr. Williams, this is fairly common amongst those  
19 who do this work. Now, when I did the consulting for the  
20 I/M Review Committee ten years ago, I would present graphs  
21 of each individual pollutant, and that's insightful in and  
22 of itself, but what we have is, when you have a car that  
23 tends to be running rich and then lean it out, then the  
24 hydrocarbons and CO drop and the nox increases. If it's  
25 running lean and you decrease the noxins, CO and

1 hydrocarbons increase. So you've got an inverse  
2 relationship that takes place between and among those  
3 pollutants and given that each car itself is an emitter of  
4 all pollutants, I have defaulted and just gone to looking  
5 at all this aggregate of the three. I could produce very  
6 easily a graph that would show by individual pollutant.  
7 The message really wouldn't be very different.

8 MEMBER WILLIAMS: Fine. I'm just confirming that this is a  
9 standard technique, cause I hope to use it too.

10 DR. LAWSON: Yeah. What you would probably see is that there  
11 would be a few more negative values for the individual  
12 pollutants, because remember, some go up and some go down.

13 MEMBER WILLIAMS: Yes.

14 DR. LAWSON: That's why I like to sum the three.

15 CHAIR WEISSER: Jeffrey, let me - Jude has something to  
16 interject right on point. Jude?

17 MEMBER LAMARE: If I could, I'm troubled by why you would  
18 include CO, since we don't have CO violations in California  
19 and it plays a very minor role in our pollution control  
20 strategy, so. And it is large in terms of mass, so if  
21 you're doing - if this chart reflects quite a bit of the CO  
22 that's emitted and then fixed, do you get a different  
23 message if you look just at hydrocarbon and nox?

24 DR. LAWSON: No, we wouldn't, and let me tell you, the reason  
25 you include - the reason I include - there are a number of



1 good technical reasons for including CO. Number one, CO is  
2 photo chemically reactive, and so it does contribute to  
3 formation of ozone and there are reactivity scales that  
4 have been created by ARB that show that, so that's the  
5 first reason, is it's a contributor to ozone. Secondly,  
6 there's a researcher from UCLA who's documented some  
7 correlations between ambient carbon monoxide levels and  
8 something having to do with births, and again, I'm not a  
9 technical expert. So people are still looking at impacts  
10 of CO on human health. Third reason is that what we  
11 observe is when a car is high in CO, it is almost always  
12 high in hydrocarbons. Now, the inverse isn't true; that  
13 is, a car can be high in hydrocarbons, but not be high in  
14 CO, because of misfires and things like that. So that's  
15 why I include - those are the three reasons why I include  
16 CO in this equation. It's minimized, also, by multiplying  
17 by 1/10. There are people, and you can go back to former  
18 reports to the I/M Review Committee where another  
19 consultant would use an equation where they would use 1/7  
20 the concentration of CO, so I include all three.

21 CHAIR WEISSER: Thank you, Doug. Let's go back to Jeffrey.

22 MEMBER WILLIAMS: This same diagram has a good way of looking at  
23 some of the extreme vehicles, extreme in the sense of  
24 pollution, and your main story is that OBD II doesn't pick  
25 up all of the -

1 DR. LAWSON: Hello?

2 MEMBER WILLIAMS: - does not pick up all the polluters. IM-240

3 does that better, so my question is, what if we used  
4 another mechanism for trying to figure out who the bad  
5 polluters are here and call that the fancy device of the  
6 odometer, or maybe the model year, which doesn't require a  
7 light, I guess, so if you just - if you just explain who's  
8 the extreme polluter versus not by mileage, were they all  
9 over 250,000 miles among this group of 100,000? Within the  
10 group of 100,000, was it the ones that were above 250,000?  
11 Was it all the 1996's and not the 98's? Is there any  
12 correlation among those standards?

13 DR. LAWSON: Well, that's a good question. What we've observed  
14 in the past, and I didn't do it with this data set, but  
15 again, in a different presentation, we showed that the high  
16 emitters are randomly spread throughout the fleet, and what  
17 makes a vehicle high emitter is lack of maintenance, and it  
18 doesn't fit any pattern unless it's a Yugo or an old VW Bug  
19 or something like that. But other than that - and I could  
20 do those plots if Dr. Williams, you would ask - if you'd  
21 give a list to Rocky, then I could go ahead.

22 MEMBER WILLIAMS: Well, I'm curious.

23 DR. LAWSON: I've got the spreadsheet developed and I could  
24 answer some of those, but essentially these vehicles, the  
25 criterion for recruitments of 100,000, the highest mileage

1 was about 270,000. The median or mean was about 130,000 of  
2 these vehicles, but what we see even among high mileage  
3 cars, the majority are really quite clean, and that's what  
4 this data shows as well.

5 MEMBER WILLIAMS: So you're saying that some unobserved effect  
6 of maintenance is really doing it. I wonder if anyone  
7 noted whether the back seat was filled with Coke cans and  
8 that's the simplest way of predicting whether or not the  
9 car will fail its Smog Check.

10 DR. LAWSON: Good question, although even in that study, those  
11 studies where they recruited and where they try to get cars  
12 in, the majority of those cars will pass the Smog Check,  
13 even if they have plants in the back seat.

14 MEMBER WILLIAMS: Let me be a bit more serious with my last  
15 question, which concerns trying to salvage OBD II here, its  
16 fairly depressing results which you're reporting, that the  
17 OBD II sets a failure but really the vehicle isn't in that  
18 bad shape. Is there any possibility - I'm not sure the  
19 study itself can say - that what OBD II was discovering was  
20 that in a few months, there was about to a catastrophic  
21 failure of some system.

22 DR. LAWSON: Right.

23 MEMBER WILLIAMS: And that's an early warning of a major repair  
24 coming, and so the expense of this repair is not as grim as  
25 it looks, because it was going to have to be made in two

1 months anyway, through the person might have ignored the  
2 MIL light, but. This is about the only way I can see to  
3 salvage good results here.

4 DR. LAWSON: Well, again, I want to go on the record saying I am  
5 not opposed to OBD. I think it's a good early warning  
6 system. As I said in one of my bullets, I feel the cut  
7 points are set way too stringent, and because they're set  
8 so stringent, you get many more failures than you see from  
9 the data. You're getting very expensive repairs and very  
10 little emissions benefit, but it's a great early warning  
11 system. Now, when you've put it into an I/M program,  
12 that's where the problem is, in my opinion. So OBD by  
13 itself outside of I/M is good as an early warning system,  
14 but again, I'm not opposed to - I want you to know I'm not  
15 opposed to OBD.

16 CHAIR WEISSER: Let me interject here, Doug, and indicate that I  
17 think we're going to be talking about OBD in a different  
18 context at a different point. I would suggest we not spend  
19 any - we've gotten a couple of indications of issues that  
20 look promising for us to investigate associated with OBD,  
21 and I think we can at this point just leave it right there.  
22 Are there other questions from other Committee members?  
23 You know - I'm sorry, Dennis. Dennis?

24 MEMBER DECOTA: Yes, Doug, the - Dennis DeCota. This was 1996  
25 and newer vehicles, right?

1 DR. LAWSON: Correct.

2 MEMBER DECOTA: So they would in most cases, not be candidates  
3 for scrappage?

4 DR. LAWSON: That's right.

5 MEMBER DECOTA: They need repair.

6 DR. LAWSON: That's right, and their emissions for the most part  
7 are low.

8 MEMBER DECOTA: And how many of these vehicles would have had  
9 nox related repairs driving the HC higher? Do we have any  
10 - I know that, you know, the issue of nox and the reduction  
11 in nox creates sometimes the adverse effect in raising  
12 hydrocarbon emissions, in particulate matter emissions. I  
13 would assume this is because the combustion chamber is not  
14 completely burning oil and gas.

15 DR. LAWSON: Right.

16 MEMBER DECOTA: Okay, because of IE low compression, or anything  
17 like that. Is there any - is there any - in your study, is  
18 there any type of referencing to the type of repairs that  
19 were made to bring these vehicles into compliance?

20 DR. LAWSON: Yes. I did get data from Ed Gardetto that has a  
21 listing of repairs that were made on these vehicles.

22 MEMBER DECOTA: Would it be possible to send that to Rocky?

23 DR. LAWSON: Yes, I think I could. I would want to just clarify  
24 with Ed that those data are available, but I do know that  
25 he has provided the data to at least two investigators

1 throughout the country, and I've merged all the data from  
2 some fairly complex data sets in a single spreadsheet now.  
3 So I would be glad to. I don't see why they couldn't be  
4 submitted, because these were obtained by taxpayer dollars,  
5 public data.

6 MEMBER DECOTA: Thank you.

7 DR. LAWSON: Uh-huh. The repair information is quite intriguing  
8 with these.

9 MEMBER DECOTA: I'm sure it is.

10 CHAIR WEISSER: This has been really tremendously interesting.

11 One of the issues that I guess I need to get a handle  
12 around is the issue that Jude was approaching, the portion  
13 of PM that's coming from mobile sources and then among  
14 mobile sources, the proportion coming from heavy-duty  
15 diesel versus light-duty gasoline powered vehicles. And an  
16 important component of that is, it seems to me, is the  
17 public health risk associated with the type of particulate  
18 matter we're talking about. Those are issues that I think  
19 I need to know more about to understand truly the  
20 significance of these pretty remarkable findings in the  
21 work that you've done, Doug. So these are things I'm kind  
22 of interested in pursuing. I'm also being told that I  
23 should become much more interested in pursuing lunch. We  
24 have Committee members and members in the audience  
25 fainting, but my concern is with Dr. Pinkerton, who's been

1 more than patient waiting for us, and I'm wondering whether  
2 you want to eat before you go or it's important for you to  
3 go and then eat. Which would work for you best, Doctor?

4 DR. PINKERTON: (Inaudible.)

5 CHAIR WEISSER: Okay. A wise man, if I might. So I think what  
6 we're going to do is take a break, and we're going to have  
7 an abbreviated break for lunch. What do you think? Do you  
8 think we can do lunch by 1:20? That would give us about 35  
9 minutes and get back here at 1:20 and restart, get Dr.  
10 Pinkerton on. We'll then open it up for questions and  
11 comments for the audience to cover both of these  
12 presentations. Doug, I don't know whether you're going to  
13 be able to hang on with us to starting at California time  
14 at 1:20. If you can, I'd certainly appreciate it. If not,  
15 a transcript is available for you. Doug, I just want to,  
16 on behalf of the Committee and the public here, express our  
17 appreciation for the thoughtful work that you've done and  
18 your willingness to share that work with folks. So thank  
19 you very much, Doug.

20 DR. LAWSON: Thank you, and I appreciate the opportunity to  
21 present to the IMRC. It's a great Committee. I'm glad  
22 you're doing what you're doing.

23 CHAIR WEISSER: Very good, so we will now go into recess and  
24 we'll reconvene at 1:20 according to the clocks in this  
25 room.

1 - o0o -

2 CHAIR WEISSER: We are now back in session. I love this hammer  
3 thing. I need it at home. So we're gonna move now to the  
4 presentation -

5 COMPUTER: Doug Lawson is now joining.

6 CHAIR WEISSER: We'll move now to Dr. Pinkerton. Thank you very  
7 much for accommodating the hunger pangs that were impacting  
8 our committee. We have lost Gideon Kracov. As he  
9 announced earlier, he had to leave early. Dennis DeCota  
10 will be back forthwith, or maybe five-with. But let's get  
11 started if we could, Rocky. Do you want to do an  
12 introduction?

13 MR. CARLISLE: You betcha. Dr. Ken Pinkerton is currently the  
14 director of the Center for Health and the Environment at UC  
15 Davis, and in addition to that, he's recently appointed as  
16 the associate director of the Western Center for  
17 Agricultural Health and Safety. Prior to his recent  
18 appointment, Dr. Pinkerton was the principal investigator  
19 in the Department of Anatomy, Physiology, and Cell Biology  
20 and is also a professor of anatomy, physiology, and cell  
21 biology in the UC Davis School of Veterinary Medicine. And  
22 he has 20 years experience in respiratory environmental  
23 research, so it's our pleasure to welcome you to the  
24 committee.

25 DR. PINKERTON: Yes. Thank you for that introduction and thank



1       you to the Chairman and the members of the committee. I  
2       appreciate the opportunity to talk to you today about some  
3       of the health effects, or health impacts, on the  
4       respiratory system, of airborne particles. I'd like to  
5       begin by just simply discussing the fact that here in the  
6       central valley, we really have a lot of different sources  
7       for air pollution, especially for airborne particles.  
8       Certainly the urban areas, the rural areas, the fact that  
9       we have such a large agricultural component within the  
10      valley, all of these different sources contribute to  
11      airborne particles within our environment. This is a  
12      satellite map that I was able to receive that actually just  
13      shows the central valley of California, and this was during  
14      a time when we had a brushfire in the northern portion of  
15      the valley. And it just serves to illustrate the fact that  
16      the valley serves geographically as a bowl that allows for  
17      the accumulation or retention of particulates within our  
18      environment, and that these actually are even greater as we  
19      go further south in the central valley and the San Joaquin  
20      Valley, due to wind patterns and the retention of  
21      materials, especially during weather inversion. This is a  
22      map of the United States from the Environmental Protection  
23      Agency that just shows different areas around the country  
24      looking at the particulate matter of two and a half microns  
25      or less in diameter and showing for the various seasons

1 where there are areas where there are greater than normal  
2 concentrations or the highest concentrations of fine  
3 particulate matter. And certainly we can see that in the  
4 eastern United States, as well as in California - that  
5 really encompasses the central valley as well as the Los  
6 Angeles basin - that we typically have the highest fine  
7 particulate concentrations in the country during each  
8 season of the year. Well, we know a lot about air  
9 pollution and how it may impact on health effects, and I  
10 must state foremost that many of the epidemiological  
11 studies that exist today are what drives our interest in  
12 trying to understand these health effects of particles.  
13 But there are many statistical tools that have been used to  
14 look at human populations, very large cohorts, to be able  
15 to identify that there are associations of health effects  
16 that are associated with particulate matter, that mortality  
17 and illness really track fairly well with the levels of  
18 particulate matter with our environment and that there  
19 really is a high degree of consistency and coherence among  
20 studies. It's important also to keep in mind that health  
21 effects associated with particles are not found just  
22 locally, but they're found everywhere worldwide. We are  
23 really beginning to understand a lot more about the health  
24 effects of particulate matter or pollution, and certainly  
25 there are questions that we really wish to address, such as

1        what are the characteristics of airborne particles that are  
2        most important in health effects? Is it the size of the  
3        particle? Is it the composition of the particle? What  
4        about the number of particles that are present? And also,  
5        what are the cellular mechanisms that might be involved?  
6        Certainly we are aware that people who have certain  
7        preexisting conditions of their respiratory system or of  
8        their cardiovascular system seem to be more at risk for  
9        having an adverse effect when exposed to higher than normal  
10       levels of ambient particles. So these may be centered  
11       around allergic responses, immune responses. The fact that  
12       particles may actually produce a type of inflammation that  
13       initiates a set of effects that involve both injury and  
14       repair to the respiratory system. There are a variety of  
15       biological endpoints that we can use to try to better  
16       understand what's going on with the inhalation of airborne  
17       particles, and I'm really going to talk about primarily  
18       studies that we do in the laboratory, as well as going out  
19       into the environment, into the central valley, to try to  
20       better understand if there are indeed health effects that  
21       we can measure in animals that we use in these studies.  
22       But this is simply a long list of different endpoints that  
23       might be used, and I'll be talking a bit about some of  
24       these endpoints as I tell you about some of the studies  
25       that we've done. The Air Resources Board has been very

1 instrumental in helping us to begin some of these studies  
2 in looking at airborne particles, and our first studies  
3 that we really looked at was to look at the two most common  
4 particulates found within the western United States, and  
5 especially here in the State of California, and that was to  
6 look at ammonium nitrate and carbon black as two of the  
7 most common types of particles that we find in our  
8 environment. And this is simply a light micrograph, the LM  
9 on the upper panel and a scanning electron micrograph to  
10 show ammonium nitrate and carbon black particles that we've  
11 generated experimentally in our laboratory using a simple  
12 nebulizer to create these types of particles. These are  
13 all of a very heterogeneous nature in size, but their  
14 purity is very clear, that we really were dealing only with  
15 ammonium nitrate and only with carbon black particles. And  
16 this is simply an image of a lung in which we've done  
17 airway microdissection so that we can actually look  
18 specifically at specific airway generations along the  
19 bronchial tree. We can look at branch points or  
20 bifurcations and we can look at the terminations of these  
21 conducting airways down to that area where we go into the  
22 gas exchange regions of the lungs. So this is a way in  
23 which we can look at very site-specific areas of the lung,  
24 following acute exposure to ammonium nitrate and carbon  
25 particles to see if there's any type of effect that we can

1 measure within the respiratory tract. And this is just a  
2 fluorescent image of looking at a bifurcation or one of  
3 these branch points along the conducting airways within the  
4 lung of a healthy rat that we exposed for three days to  
5 ammonium nitrate and carbon particles for a six hour period  
6 each day for three days. And then this was looking the  
7 following day, and under the filtered air image, we  
8 actually see that there are many cells that are actually  
9 showing in green. These are the nuclei that actually have  
10 been stained with a dye that has an affinity for binding to  
11 DNA. On the image to the right that's showing the PM on  
12 the bottom, these red cells are actually cells that have  
13 damaged membranes, that they actually have leaky membranes,  
14 and we actually - Following the end of the particle  
15 exposure, we were actually able to put a fluorescent dye  
16 down into the lungs and any cells that had permeable  
17 membranes that allowed this dye to enter into the cell and  
18 to stain the nucleus red. And so what we're seeing here is  
19 following a three day exposure, that there were many cells,  
20 especially on branch points or bifurcations of the  
21 conducting airways of these animals, that showed that these  
22 cells had actually become damaged and injured. We took it  
23 a step further by looking at what cells were undergoing DNA  
24 synthesis. That DNA synthesis could be due to repair of  
25 the cell if it were - if the DNA were in any way injured,

1 or if the cell had died and neighboring cells would  
2 actually be - started into a process of cell proliferation,  
3 cell division, to actually repair dead and dying cells next  
4 to them. And this image here is actually showing one of  
5 these bifurcations or branch points where we've actually  
6 cut it in a thin section and so we're actually looking on  
7 the surfaces of epithelial cells and the very dark black  
8 dots that you see there are actually cells that have  
9 actually taken up this marker. It's called  
10 bromodioxiurbin, which actually is a nucleotide analog, so  
11 any cell that's undergoing DNA synthesis would pick up one  
12 of these nucleotide analogs and be able to incorporate it  
13 into itself. So this actually is a measure of showing DNA  
14 synthesis, and this is also not only showing the epithelium  
15 of the airways, but also the underlying cells that make up  
16 the wall of the airway, or the interstitial cells. And so  
17 this is actually shown in these subsequent bar graphs.  
18 This is showing epithelial cell labeling of airways, just  
19 along any airway generation that we might look at, and we  
20 actually looked at four different exposure conditions:  
21 animals that were exposed to filtered air; animals exposed  
22 to ozone at .2 parts per million of ozone, which would be  
23 in violation of the air quality standard, but is certainly  
24 a level that is within the realm of what people may be  
25 exposed to; and then to the ammonium nitrate, carbon black,

1 which is identified as PM; and then to a combination of  
2 particles and ozone. And what we see here is that  
3 actually, we saw absolutely no effects of particles alone  
4 or in combination with ozone for epithelial cells lining  
5 these airways. However, when we looked at the branch  
6 points along this bronchial tree, we actually found that  
7 there was a significant increase in labeling of epithelial  
8 cells that formed the lining of the airways. And this was  
9 increased, but statistically significant, following the  
10 exposure to the ammonium nitrate particles and the carbon  
11 black alone or in combination with ozone. And if we looked  
12 at the cells that make up the wall underlying these  
13 epithelial cells at these bifurcations or branch points, we  
14 also saw there was an increase in the labeling for cells  
15 that were undergoing DNA synthesis and this was significant  
16 - attained a level of significance for the combined  
17 exposure to particles and ozone. We went further down into  
18 the airways, down to the last conducting airway, or the  
19 terminal bronchial, and this is basically the last airway  
20 before you go into the gas exchange portions of the lung.  
21 And what we found at this level is that ozone was the only  
22 substance that actually produced an effect, an adverse  
23 effect, to the epithelial cells at this level. And this is  
24 really classical for ozone. It's a highly reactive gas,  
25 but we didn't see any effects for the particles, alone or

1 in combination with ozone. However, if we just went a  
2 little bit further, down into the gas exchange area that we  
3 refer to as the proximal alveolar region, we see that there  
4 is a significant effect of ozone exposure alone, or  
5 particle exposure alone, to the cells that form this gas  
6 exchange region of the lungs. So the point here is just  
7 the fact that there can be very site-specific effects of  
8 particle exposure on the respiratory tract, and that  
9 particles alone, independent of exposure to ozone, can  
10 produce these types of effects. That was done - studies  
11 that were done in rats. Well, is a man like a rat? Well,  
12 some people may think there are certain occasions that that  
13 may be true, but we also wanted to extrapolate this to  
14 another species and we had the opportunity to work with  
15 monkeys at the primate center, and this is actually just  
16 looking at one site. This is referred to as the  
17 respiratory bronchiole, and this is that transition from  
18 going from air conduction to gas exchange. And this was  
19 looking, again, at the same concentration of ammonium  
20 nitrate and carbon particles that we had used in the rats.  
21 We found that as we saw in the rats, that also in these  
22 monkeys, there was a significant effect of particle  
23 exposure on this level, on this site within the respiratory  
24 system, suggesting that these effects are not just confined  
25 to small laboratory animals, but also can be seen in other



1 species as well. So from there, we also wanted to do some  
2 studies to go out and look at the ambient particles that  
3 are found within the central valley of California. And  
4 these studies were done in collaboration with  
5 investigators, with engineers at the University of Southern  
6 California, who had designed a very novel system of being  
7 able to draw in ambient air from the outside and  
8 concentrate in real time the ambient particles that were in  
9 the atmosphere without allowing them to deposit. So all we  
10 were doing is, we were simply concentrating real-world  
11 particles and then subsequently exposing health rats to  
12 these ambient particles. This was research that we did in  
13 Fresno, California at the Fresno State campus during the  
14 fall of 2000. We actually were there for three consecutive  
15 weeks, and I'm just showing you the number of particles per  
16 cubic centimeter in the air, and this would be the  
17 concentrated particles. And what we found is for the -

18 CHAIR WEISSER: I need to interrupt you. I don't understand.

19 This is the particles in the air prior to the  
20 concentration?

21 DR. PINKERTON: No, following the concentration.

22 CHAIR WEISSER: Okay, so how many times more concentrated is  
23 this than it would be in real life in the ambient air?

24 DR. PINKERTON: This is 20 times concentrated than the ambient.

25 CHAIR WEISSER: Thank you.

1 DR. PINKERTON: And what we found is that although the particle  
2 concentrations - the particle numbers per unit volume  
3 tended to remain the same, the mass concentration was very  
4 different, and this had to do with the fact that in that  
5 second week, we had rain in Fresno and what happened is, it  
6 removed many of the larger particles. We were looking at  
7 fine and ultrafine particles, so these would be particles  
8 less than two and a half microns in diameter. But what was  
9 interesting is that many of the ultrafine particles are not  
10 removed by rain. It's simply because they have gaseous-  
11 like properties and when the droplet passes down through  
12 the air, it actually pushes these particles out of the way.  
13 Well, these were the studies that we did, and in essence,  
14 we were actually creating a bad air pollution day by using  
15 this system, but using real-world particles. Are there any  
16 effects that we could measure? These were done for six  
17 hours a day for three consecutive days, and then we looked  
18 at the animals right after that time. This is the chemical  
19 composition of the fine aerosol that we looked at. This is  
20 showing for the first week, which shows that it's dominated  
21 by nitrate particles, but there's also significant  
22 proportions of organic and elemental carbon, as well as  
23 metals that are present. And this is, again, just showing  
24 another week where, again, in essence, the composition, the  
25 relative proportion of the different particles based on

1 chemical composition, was similar. And this is showing the  
2 results of looking at cells that we were actually able to  
3 remove from the lungs by instilling sterile saline. And  
4 then we can actually remove that lavage fluid from the  
5 lungs and recover cells that are present in the lungs, and  
6 we were actually looking for cells that had become  
7 permeable or actually had damaged cellular membranes. And  
8 this is showing the results of those studies. The yellow  
9 bars represent our filtered air control animals. The red  
10 bars represent those animals that were exposed to ambient  
11 concentrated particles. And in each week, we found that  
12 there was a significant increase in the number of these  
13 damaged or injured cells that we were recovering from the  
14 air spaces, the lung, due to this short term repeated  
15 particle exposure. We continued these studies even  
16 further, and this is simply looking at more time points.  
17 This is actually looking at the same time points, again,  
18 looking at nonviable cells or cells that actually had died,  
19 and again with the yellow bars showing the filtered air  
20 controls, the blue bars showing those animals that had been  
21 exposed to the concentrated fine particles. The blue bars  
22 are for fine particles, particles less than two and a half  
23 microns. The gray bars are for particles that are less  
24 than 10 microns in diameter, so they would include the  
25 coarse fraction. Actually, you see that there are

1 differences depending upon the time that we're doing these  
2 studies, but at least in looking at these studies for four  
3 of the six weeks that we looked at fine particulate matter  
4 within Fresno, we found a settled but significant effect on  
5 the viability of cells recovered from the lungs of these  
6 animals. For the coarse particles, we found no effects at  
7 all. We also used one other measure. When you recover  
8 cells from the lungs and if there is an inflammatory  
9 process that's going on, something that's involved in  
10 injury, we have recruitment of cells from the circulation,  
11 and these cells are referred to as neutrophyls, and they  
12 actually are a reasonable marker for an acute indication of  
13 inflammation. And so for the fine particles for those six  
14 weeks - We had two of the six weeks where we actually saw a  
15 small, but significant increase in the number of  
16 neutrophyls we recovered from the lungs. For the coarse  
17 particles, we actually found for both weeks that we did  
18 that study that we had the significant increase in  
19 neutrophyls, suggesting that particles based on their  
20 size, possibly their chemical composition, might have  
21 differential effects on the respiratory system. Well,  
22 these next two slides that I'll show here are actually from  
23 coroner's cases from the Fresno County. These are deceased  
24 individuals who died of nonrespiratory causes who had no  
25 preexisting history of respiratory disease, and this is

1 actually showing what I've called membranous bronchioles.  
2 These are the most distal conducting airways just before  
3 you get down into the gas exchange region. This is  
4 actually showing the anatomy of a membranous bronchiole  
5 from a normal individual and from individuals that have  
6 mineral dust fibrosis, either in mild or severe forms.  
7 This type of fibrosis that occurs can also be evident with  
8 someone who's a smoker. What we found in doing these  
9 studies is, we found that many of the individuals who were  
10 from the Fresno area had significant changes that were  
11 occurring within the membranous and especially within  
12 respiratory bronchioles within their lower conducting  
13 airways, and these were a significant finding that we  
14 found. And now that's not to suggest that these people  
15 were having difficulty in breathing, but one of the things  
16 that was most remarkable about this is that when we looked  
17 for mineral dust and we looked for carbonaceous materials,  
18 we found that there was a high correlation where these  
19 particles had been retained within the respiratory tract of  
20 these individuals and where we saw remodeling and changes  
21 that were occurring in the lungs, such as the scarring and  
22 fibrotic changes, increases in cellularity, and increases  
23 in intraluminal macrophages containing both carbonaceous  
24 and mineral materials. Now, we also have done studies -  
25 and again, I'm just presenting some of the work that we've

1       done in the past few years - to look at combustion  
2       particles. Unfortunately, we don't have the ability to  
3       look specifically at diesel engines, but we have been  
4       working with engineers at University of California Davis in  
5       the College of Engineering to design and build a diffusion  
6       flame system, which actually allows us to generate soot  
7       particles.

8   COMPUTER: This conference is showing no activity. If you'd  
9       like to continue the conference, press star one now.

10   DR. PINKERTON: We can actually be able to look at the  
11       combination of soot particles alone or in combination with  
12       metals that may be introduced into the soot particles. And  
13       this is just showing the system where we actually show our  
14       exposure system and we can do particle counts, we can look  
15       at particle size distribution, and do these studies under  
16       very well-controlled conditions. And working with the  
17       folks in Engineering, we've actually been able to  
18       characterize some of the particulate matter that we've  
19       looked at. We know that we're generating soot, that the  
20       soot contains both elemental and organic carbon. We've  
21       also been able to add iron into these materials.

22   COMPUTER: This conference is showing no activity. If you'd  
23       like to continue the conference, press star one now.

24   DR. PINKERTON: The iron that we've actually been able to  
25       generate is iron oxide, and this material is actually in

1 the range of less than 100 nanometers, or .1 micron in  
2 diameter, and these particles actually are present in  
3 combination with the soot material. What we were really  
4 interested in looking at is whether soot and iron could  
5 behave in some interactive manner to produce some health  
6 effect to the respiratory tract, so what we did is, we did  
7 the following study. This is actually looking at  
8 glutathione, which is a reasonable measure of oxidated  
9 stress. It's a protein that we produce that actually  
10 serves to reduce the amount of injury and damage to the  
11 lungs. This is actually looking at animals that were  
12 exposed to soot alone in the first bar, to iron alone in  
13 the second bar, or to the combination of soot and iron in  
14 the third bar. And what this is showing is that if we look  
15 at BAL, which is bronchio-alveolar lavage - That's  
16 recovering the fluids that we instill into the lungs - that  
17 we actually see that there's really no effect with soot  
18 alone or iron alone, but with the combination of soot and  
19 iron, that we actually do see some increases in the amount  
20 of oxidized glutathione that's present within lung lavage  
21 fluid. And if we look at the lung tissue itself, we see  
22 that this is also evident for the lung tissues, especially  
23 if we're looking at a combination of iron and soot  
24 together. We also looked in the lung tissues for markers  
25 of inflammation, and one thing that we can look at is

1 cytokines, and this a cytokine. It's referred to as IL-1  
2 beta, which is interleukin one beta. It's actually a very  
3 reasonable marker for lung inflammation. And again, in  
4 doing these studies, we found that we had no effect with  
5 soot by itself or iron by itself, but if we looked at the  
6 combination of the two things, we actually did find a  
7 significant effect. And this is also another marker. This  
8 is nuclear factor kappa B, which is actually a very  
9 important process that's actually involved. When this  
10 becomes activated, this actually begins a whole process to  
11 have a lot of genes that actually are then turned on that  
12 actually lead towards the production of compounds that are  
13 involved in inflammation and in injury to the lungs. And  
14 again, this is just another example to show that soot by  
15 itself or iron by itself weren't producing effects, but the  
16 combination of soot together with iron did produce a  
17 significant increase in enough kappa B DNA-binding  
18 activity, which again is an indication that we have a  
19 process that has been induced by exposure to these combined  
20 particles that are leading to lung injury. And the final  
21 part that I'd just like to mention is that, you know,  
22 questions about whether there are health effects that might  
23 be associated with particle exposure in young children. We  
24 did some studies where we actually looked at neonates, or  
25 newborn rat pups, and looked for effects for exposure to



1 particles. And this is actually a light micrograph showing  
2 the conducting airway, the last conducting airway, or  
3 terminal bronchiole entering into gas exchange regions.  
4 And we actually did a study where we exposed 10 day old rat  
5 pups to iron soot particles for a three day period and then  
6 we looked immediately after for what was happening in the  
7 lungs of these neonatal rats. And this is just the area  
8 that we were particularly interested in, is trying to  
9 understand, is there any effects on the conducting airways?  
10 Is there any effect on the gas exchange regions or on this  
11 region that's called the proximal alveolar region or PAR.  
12 This is a very important site for where lung growth  
13 actually is occurring. So we actually used this marker  
14 that allows us to look at DNA synthesis, any cell  
15 proliferation that may be going on, and we were actually  
16 able to count the number of cells that actually contained  
17 this marker showing that the cells were undergoing DNA  
18 synthesis. And these are the results. This is actually  
19 showing the labeling index for BRDU, which is the  
20 bromodioxiuridine. That's the nucleotide analog that we  
21 used for control animals or animals exposed to soot and  
22 iron within the last conducting airway, and we found no  
23 significant effect there at all. We looked out into the  
24 lung parenchyma and again we saw no significant effects of  
25 the particle exposure in the lung parenchyma. However, in

1 contrast, if we looked at that transition between the  
2 conducting airway and the gas exchange region, the proximal  
3 alveolar region, we found that exposure over the short  
4 period of time in these 10 day to 13 old rats had a  
5 significant decrease in the number of cells that are  
6 undergoing DNA synthesis. So this is actually quite a  
7 fascinating finding, because again, if you're undergoing  
8 rapid growth, the last thing you want to do is in any way  
9 impair the proliferation of cells within the lungs, and  
10 this was just simply illustrating that there was a  
11 significant effect based on the site of where we were  
12 looking at. So in conclusion, I've gone over, obviously,  
13 quite a few different studies, but I just simply wanted to  
14 emphasize the fact that we are able to look at both fine  
15 and coarse particles in our ambient environment, that we  
16 can use those to do research, to try to better understand  
17 potential health effects, and that we have found that there  
18 are changes within the respiratory tract that can be  
19 observed following exposure to concentrated ambient  
20 particles of the central valley of California, and that  
21 these adverse effects of the particles are highly site-  
22 specific. And we found that especially in health adult  
23 rats and that combinations, complex combinations of soot  
24 and metal particles such as iron can have a synergistic  
25 effect that can be adverse to the respiratory tract, and

1 finally, that these combustion particles can also have a  
2 significant effect on lung growth during early life. And I  
3 just simply like to acknowledge many of the investigators  
4 at UC Davis and Fresno State, as well as at USC and UC  
5 Merced who've helped in these studies, and I'd be happy to  
6 address any questions that the committee or the audience  
7 may have.

8 CHAIR WEISSER: Well, first, on behalf of the committee, let me  
9 once again thank you, Dr. Pinkerton, for coming here, for  
10 being patient. This was, from my standpoint, one of the  
11 deepest dives into human cellular activity that I've taken,  
12 which shows you I haven't taken very many. It appears to  
13 confirm most everything that, you know, that we've heard  
14 over at least the past decade and longer associated with  
15 the pernicious impacts of particular matter, particularly  
16 finer particles, on cell life. I'd open the mikes up to  
17 any committee members that have any particular questions.  
18 Please. Jeffrey.

19 MEMBER WILLIAMS: Jeffrey Williams. I'm curious about what you  
20 surmise is the linearity or non-linearity of these  
21 relationships. So many of our regulations are an ambient  
22 air quality over a particular amount of time. What if  
23 there's twice as much, three times as much, 10 times as  
24 much in some of these key features? Is it going up in a  
25 very non-linear way? The experiments didn't directly talk

1       about that, but you must have some sense -

2 DR. PINKERTON: Right.

3 MEMBER WILLIAMS: - of that.

4 DR. PINKERTON: Certainly the interest that we really have to  
5       try to understand the plausibility, the biologic  
6       plausibility, of how particles may actually produce adverse  
7       health effects have a lot to do with better understanding,  
8       what is the influence, or what is the importance of  
9       particle size, for example? And although we realize that  
10      we might be able to reduce particle concentrations by  
11      eliminating many of the larger particles, we think that  
12      there still are some important effects that may be very  
13      much based on particle size, that ultrafine particles may  
14      have potentially more of a toxic effect than the larger  
15      particles that are present in the environment. So that  
16      certainly could be an issue. I think it's also important  
17      to keep in mind that the chemical composition of these  
18      particles may be an important player in the types of health  
19      effects that we actually measure with particles, and I  
20      think that that requires that there be multiple studies  
21      done with very careful characterization of not only  
22      particle size and particle number, but also of chemical  
23      composition of these particles, to try to tease out what  
24      might be the most important players for producing health  
25      effects when it comes to airborne particles.

1 CHAIR WEISSER: Yes, John?

2 MEMBER HISSERICH: Excuse me. John Hisserich. These are  
3 principally animal studies. Presumably, the bronchiolitis  
4 that would appear to be the result of this, one could  
5 anticipate possibly impaired pulmonary function, possibly  
6 emphysema, as a result of these kinds of things or  
7 bronchitis or something. Have there been any corollary  
8 studies in humans where they may have done some lavage of  
9 the bronchioles and so on, if they have some of these other  
10 conditions where you might find any of these markers or any  
11 of that sort of thing that you're seeing in animal studies?

12 DR. PINKERTON: There have been some studies done with the  
13 concentrated ambient particles in human volunteers and they  
14 have indeed found that there are very high correlations  
15 with the sorts of things that we've also found in animals.

16 MEMBER HISSERICH: The markers?

17 DR. PINKERTON: These have typically been markers of lung  
18 inflammation, markers of oxidated stress that have been  
19 evident following short term exposure to the particles.

20 MEMBER HISSERICH: The illustration here, the microdissection  
21 here, is of a human lung, if I'm not mistaken. In the  
22 microdissections of the rodent and, I guess, the monkey,  
23 were there comparable kinds of changes occurred in the  
24 lungs of those species?

25 DR. PINKERTON: Yes, and in fact again, with the microdissection

1 techniques, we actually have the ability to look at these  
2 site-specific examples, and so we actually have done  
3 identical microdissections in both monkeys, as well as in  
4 rats, to show these effects. I think it's important to  
5 keep in mind that often times the effects that we might  
6 measure with exposure to airborne particles and their  
7 deposition may not really be very evident if we just look  
8 the whole lung together. I think it's very important to  
9 keep in mind that there are sites within the lungs that may  
10 actually serve as, literally, hotspots where particles may  
11 be depositing, may be translocating, through those sites of  
12 deposition, through the tissue walls, into the vascular,  
13 and out into systemic areas as well.

14 MEMBER HISSERICH: Do you see in these animals at all any early  
15 signs that the alveoli may have developed emphysematous-  
16 type blebs or blowouts, I guess you could say, yeah, that  
17 sort of thing?

18 DR. PINKERTON: No, we have not. These have all -

19 MEMBER HISSERICH: Have not, because there's not very long  
20 exposure, is it?

21 DR. PINKERTON: Yes, these have all been very short term  
22 exposures. I think the strongest correlation that we've  
23 had are some studies that we could compare with the  
24 children's health study at the University of Southern  
25 California, where John Peters has done some really elegant

1 work to show that children who live in areas where there's  
2 higher pollution, that they actually have a lung function  
3 growth retardation. We weren't able to do pulmonary  
4 function testing in our young rats, but we certainly saw  
5 that within very critical sites for lung growth, lung  
6 expansion, that these were the sites that appeared to be  
7 most impaired, at least in terms of their ability to  
8 continue on with the cell proliferation due to really short  
9 term exposures to the particles. But we don't know what  
10 the long term effects might be of those exposures, but I  
11 think it points to the fact that there may be very critical  
12 windows of development where some individuals may be much  
13 more sensitive to the effects of particle exposures  
14 compared to others. I think it also is worth mentioning  
15 the fact that children may actually be especially  
16 susceptible to particles just simply because they spend  
17 more time outdoors, they exercise more. And actually, the  
18 relative dose of the things that they take into their  
19 bodies compared to an adult can be up to 60 times higher  
20 just simply because of the differences in surface area, the  
21 differences in ventilatory rates between children and  
22 adults.

23 MEMBER HISSERICH: And as you point out or imply, I mean,  
24 smokers - the lungs of smokers react quite differently to  
25 the same assaults and so on, so there may be, as you say,

1       only certain ones taken up. Thank you.

2 CHAIR WEISSER: Jude?

3 MEMBER LAMARE: Thank you, Mr. Chairman. Particulate matter at  
4 a macro level is most associated with elevated mortality,  
5 so any speculation about what the connection is there?

6 DR. PINKERTON: There have been a number of ideas behind this,  
7 and again, it seems as though those that are most at risk  
8 of literally dropping dead due to a bad air day are those  
9 who already have a preexisting condition, either of their  
10 respiratory system or of their cardiovascular system. But  
11 there also may be some increased risk as well with fatal  
12 cases of asthma among children. But again, I'm simply  
13 speaking from what I have learned through the literature in  
14 epidemiology. These are not studies that we've been able  
15 to duplicate in animals.

16 CHAIR WEISSER: Dr. Pinkerton, I remember during the debate at  
17 the federal level as to where to set the standard for PM  
18 2.5, there was a considerable amount of discussion as to at  
19 what level would it be safe. And the impression that I was  
20 left with is the answer to that is, at no level. There  
21 wasn't a nice clean elbow in the data, that there  
22 essentially is no safe level. It's a dangerous aspect of  
23 this world, and what we need to do is do what you  
24 reasonably can do to reduce the amount of PM folks are  
25 exposed to. Have things changed now? Is there any sort of



1 analysis, data, or studies that are indicating that in fact  
2 we have a better understanding at what level PM is safe?

3 DR. PINKERTON: I would think that based on the work that has  
4 been done so far, that that still is the case. I think  
5 also, though, I guess just simply speaking from a practical  
6 perspective that we have to put into balance what we can  
7 attain versus what is the best health protection for our  
8 community. I think that the lower we can get our particle  
9 concentrations, the better off that we'll be, and I think  
10 that can be the only goal that we can really try to strive  
11 for in that process. But I know that what is being  
12 proposed currently, I don't know - certainly if it can be  
13 attained - I think they're actually even talking about down  
14 to 12 to 14 micrograms per cubic meter. I think that we'll  
15 all just be in greater violation.

16 CHAIR WEISSER: The conundrum we face that you're pointing out  
17 is the requirements that these health-based goals be based  
18 upon, you know, identification of a safe level with an  
19 adequate margin of safety for uncertainty. But if there is  
20 no safe level, there is no adequate margin of safety, I  
21 mean, it puts policymakers in a difficult state. Anyway,  
22 any further questions from the committee members? Thank  
23 you very much. If you could hang around for a while, we  
24 may have some questions from people in the audience or on  
25 the phone, so I'd like to open up this portion of the

1 agenda to public comment. Are there any public comments  
2 that we'd like to hear? We'll start with Mr. Peters.

3 MR. PETERS: Mr. Chairman and committee, my name is Charlie  
4 Peters, Clean Air Performance Professionals, representing a  
5 coalition of motorists. My question is, is this for  
6 comments to the doctor that just completed or is this an  
7 opportunity to address issues from the person who called  
8 in?

9 CHAIR WEISSER: Charlie, you can chat with us or ask questions  
10 associated with Dr. Pinkerton's report or from Dr. Lawson  
11 this morning, or both.

12 MR. PETERS: Thank you, sir. Dr. Lawson has obviously worked  
13 very long and hard on this issue. I have observed him over  
14 literally decades and very dedicated individual who works  
15 very hard providing information. And it appears to me as  
16 though there are considerations not being taken into  
17 account that might be significant. As an example, what  
18 we're doing is looking at the issue of here's a car that's  
19 reading a certain amount and we threw it in the system and  
20 we got a repair or a action, and how did that affect the  
21 result, and did we improve air quality? It is my humble  
22 opinion, Mr. Chair, that the primary effect of the  
23 California Smog Check program is primarily an ancillary  
24 effect. And what happens is that when you set a standard,  
25 lots and lots of people respond to that, behaviors change

1 on all kinds of levels. That creates an outcome that  
2 prevents cars from becoming broken because you change  
3 behaviors of the car manufacturer, the car dealer, the  
4 corner service station, the guy working on his car in his  
5 garage, just whole lot of factors that come into account  
6 that may very well make very significant reductions in  
7 emissions, particularly over the life of the car rather  
8 than looking at this one particular micro-change in process  
9 being used as a basis for policy. How I see that is that  
10 the current situation, our doctor's analysis primarily  
11 supports a "let's find the really bad cars and crush them  
12 and create a tradable program and this is going to be very  
13 effective." I believe that if we take a - we look at  
14 whether or not the car is broken and whether or not what is  
15 broken gets fixed, that standard affects behavior on a  
16 broad base, it affects the ancillary effect of the program,  
17 and makes very significant reductions that have not been  
18 currently quantified or given credit for, and if those  
19 issues of what's broken actually getting fixed, all the  
20 cars that are marginal failures will in fact pass when  
21 what's broken gets repaired, and I think that's a very  
22 simply procedure to evaluate that change in performance to  
23 the program.

24 CHAIR WEISSER: Thank you very much, Mr. Peters. We'll move  
25 back to Mr. Walker.

1 MR. WALKER: Thank you, Mr. Chair, members of the committee.

2 Chris Walker on behalf of the Automotive Repair Coalition  
3 and the California Service Station Automotive Repair  
4 Association. Like to go back to Dr. Lawson's presentation  
5 earlier this morning and look at the chart that he had on  
6 page two of the vehicles that he recruited the sample  
7 vehicle recruitment. And it seems to me that if we could  
8 get additional columns of information on these vehicle  
9 categories, it might be illustrative of the strengths and  
10 weaknesses of our program; in fact, incredibly illustrative  
11 of how we're processing cars. Everything from how we  
12 identify cars for inspection to begin with, how we identify  
13 cars for specialized treatment, and how in fact we identify  
14 effective repair strategies that will be durable over the  
15 long haul. There are six categories that I would like to  
16 see if we couldn't get additional information on these  
17 vehicles. The first is, what is the total hydrocarbons  
18 above the standard, i.e. the cut point, that these vehicles  
19 exhibited?

20 CHAIR WEISSER: What chart are you making reference to?

21 MR. WALKER: I'm sorry, page two of - I'm sorry, page two of  
22 this, upper right hand -

23 CHAIR WEISSER: There's a little number next to the particular  
24 chart -

25 MALE: In the lower right hand.

1 CHAIR WEISSER: - in the lower right hand of each of the little  
2 boxes.

3 MALE: First presentation or the second one?

4 MR. WALKER: It's the first presentation. There is no number in  
5 the lower right hand corner. If I count up the slides, it  
6 would be slide one, two, three, four, five, six, seven,  
7 eight, I believe.

8 CHAIR WEISSER: What's the title of it?

9 MR. WALKER: LD Vehicle Recruitment Sample.

10 CHAIR WEISSER: Got it, thank you. Number eight.

11 MR. WALKER: Vehicles tested in June 2001.

12 CHAIR WEISSER: Thanks, Chris.

13 DR. LAWSON: Again, this is Doug Lawson. I'm on the phone. I  
14 can barely hear you. I might be able to answer a question  
15 if you have a question.

16 CHAIR WEISSER: No questions yet. We're getting introduction.  
17 Go on, Chris.

18 MR. WALKER: I don't know if you can answer the questions today,  
19 Doug. What I would like to see is, if we couldn't get more  
20 information, i.e. columns next to these different  
21 categories of vehicles, and for example, I have six  
22 different areas that I'd like to see. The first is the  
23 total hydrocarbons above the standard or the cutpoint of  
24 each category, so for 1996 and newer, how many of those  
25 vehicles actually would have failed the hydrocarbon test

1 and by how much, on down through the 11 different  
2 categories. The next area that I would like to look at is,  
3 what is the total PM emissions from each of those  
4 categories? The third is, are these vehicles identified  
5 within the current high emitter profile that we're using to  
6 identify - to send cars for specialized treatment or not.  
7 The fourth is, how many months from the last smog check  
8 were these vehicles? It might be interesting to know how  
9 far out these vehicles were from their last inspection.  
10 The fifth category would be -

11 CHAIR WEISSER: You can disregard that. We took up some of your  
12 time. We'll cut you off in another minute or so.

13 MR. WALKER: Just real quick. The fifth is the result of the  
14 last smog check emissions test, i.e. did it pass or did it  
15 fail, right? And then how - and going back to the last  
16 questions, how many months ago was that? And then the  
17 sixth category is, what repairs were conducted, if any, on  
18 those vehicles? I think that if we could get those  
19 additional columns of information based upon the vehicles,  
20 we could start revealing a lot about the current program,  
21 because this is a really good kind of roadside test,  
22 pulling out of the population of vehicles what's going on.  
23 And we have the means, through the wealth of data that  
24 California collects, to go back and get this type of  
25 information, and I think it'd be very revealing. For

1       example, are we fixing hydrocarbon failures, i.e. and  
2       there's a correlation between hydrocarbons and PM. Are we  
3       masking them by putting a catalytic converter on and not  
4       conducting further repairs? Are these station types that  
5       we're sending these vehicles to, whether they be test and  
6       repair or Gold Shield or even test-only, not providing  
7       accurate test results? There's a lot to be learned, and I  
8       think that if we could go back and dissect these categories  
9       by getting six more sets of information on them, it might  
10      be very helpful for this committee.

11 CHAIR WEISSER: Thank you, Chris.

12 DR. LAWSON: This is Doug Lawson. Can you hear me?

13 CHAIR WEISSER: Yes.

14 MR. WALKER: Yes.

15 DR. LAWSON: Okay. Chris, these are very good questions. It's  
16      nice to see you on my computer screen. Sorry I can't be  
17      there in person.

18 CHAIR WEISSER: Wave.

19 DR. LAWSON: If you can give that list to Rocky, I'll work on  
20      putting that together. This isn't my full time job, so  
21      I'll have to do it at night or on the weekend or something,  
22      but I'll be able to provide a good amount of that  
23      information to you, because I have the smog check results  
24      and certs for those vehicles that we recruited, or the  
25      vehicle identification reports for those vehicles.

1 CHAIR WEISSER: If I might interject, while I certainly think it  
2 would be interesting to have that information, we have to  
3 keep in mind, we're talking about an extraordinarily  
4 limited number of vehicles in this sample. That  
5 information sure would be interesting to have as part of  
6 the data collection that BAR does so well. And I guess  
7 I'll just pose a question: is that sort of slice and dice  
8 of the data that you collect possible, where you can do the  
9 sort of cross tab that Chris is putting forward for this  
10 smaller sample available for a larger sample of car models,  
11 makes, mileages, nature of failure, nature of repair?

12 DR. LAWSON: Those data are available. Those are all available  
13 from the BAR database, because when I got into looking at  
14 the ARB roadside survey data, you can get all of that  
15 information. However, there's no information on PM, and so  
16 although this - as you mentioned very correctly, Mr.  
17 Chairman, this is a very, very limited data set and it was  
18 collected for another reason, and that was to develop these  
19 source profiles for receptor modeling for source  
20 apportionment, I would be willing to work on putting  
21 together some tables of these data, as long as I have the  
22 request. Now, there are some data that I don't have  
23 available that we'd have to get from BAR regarding status  
24 of these vehicles, when they were last smogged and so forth  
25 prior to these tests, and I don't know how long they



1 archive those data. Remember, this was done in 2001. But  
2 I'd be glad to put together a spreadsheet or information of  
3 the data that we have and smog check result reports for  
4 these vehicles.

5 CHAIR WEISSER: Well, it sounds to me that that would be, you  
6 know, interesting data. It might lead us toward some  
7 potential future recommendations in terms of a larger data  
8 collection effort. Chris, you know, you haven't had a  
9 great amount of time yet to - You've heard the report, you  
10 went to lunch, came up with this idea. I'm wondering if  
11 you can jot it down, give it to Rocky. Rocky can share it  
12 with Doug and we'll see where it goes. The concept I'm  
13 getting for you is that there may be the ability to kind of  
14 utilize the data to form a decision tree on where you focus  
15 the program, by particular characteristics of cars. Am I  
16 misreading you?

17 MR. WALKER: Yes, I mean, a lot of the issues that this  
18 committee struggles with is, what is going on out there and  
19 what is the history of vehicles and where is the system  
20 breaking down, where is the system strong? And it seems to  
21 me that by looking at this small sample of vehicles, you  
22 can go back and look at the histories. While it is a small  
23 sample and the selection is fairly limited in terms of  
24 model years and mileage types and like that, it can be  
25 illustrative of some of the larger issues. And while it

1 was PM that we're after, the strong correlation between  
2 hydrocarbs and PM, I would guess, is coming - If in fact  
3 it's lubricating oil that is the source of the PM, if in  
4 fact it is that oil, somehow that oil is getting into the  
5 combustion chamber at some point, either through the valves  
6 or through the rings. And when that happens, you have an  
7 incomplete combustion process, i.e. you'll have unburned  
8 gasoline being shot into the exhaust stream as well. While  
9 we're not measuring for PM on our emissions testing  
10 equipment, we are testing for hydrocarbon emissions, and  
11 the strong correlation between the HC and the PM that Dr.  
12 Lawson witnessed seems to bear out the theory that I'm  
13 putting out that there is a connection between unburned  
14 gasoline and oil getting into the combustion chamber. If  
15 we can go back and look at how these cars were handled and  
16 why they're on the road operating in the condition they  
17 are, we can get to issues like clean for a day, we can get  
18 to issues of durability of repairs, we can get to a lot of  
19 things in kind of a snapshot view of what at least happened  
20 to these vehicles.

21 CHAIR WEISSER: Thank you. I share your aspirations, if not  
22 fully understand the chain of ifs and possibilities here.  
23 I'm just wondering whether, you know, what you're  
24 suggesting might shed light on what questions we need to  
25 ask to try to pin down in order to recall make some firm

1 suggestions as to what major questions need to be answered  
2 in order to deal with this PM - the potential for a PM  
3 link. I don't think it's - We need to get - we need to get  
4 to the point where we have demonstrative data. I'm not  
5 sure we're there yet. I think some of our attention needs  
6 to be turned toward, okay, we've got some amber lights  
7 flashing here. What do we need to look at?

8 MR. WALKER: That was the second presentation.

9 CHAIR WEISSER: Pardon me? Okay, you can sit down now, Chris.

10 Thanks, Chris. Interesting. Are there other comments or  
11 questions from the public? Sorry, but -

12 MALE: I've got more questions than answers on this stuff.

13 Think it opens up a whole bunch of research opportunities.

14 MR. RICE: Bud Rice, Quality Tune-up Shops. Two quick comments.

15 The first one is I'm hopeful that in-depth discussion on PM  
16 doesn't end up being one of horse trading somewhere along  
17 the line, where we're trading pollution credits, or since  
18 we got these savings over here, we're not gonna chase the  
19 dry cleaner guy for his reductions, that kind of thing,  
20 that it stays on point. Second comment I'd like to make  
21 is, some of this stuff is confusing, actually, you know,  
22 from the public's perspective and sitting back going, I  
23 wonder how this fits into the grand scheme of things. And  
24 I guess I'd like to ask the committee if there isn't a way  
25 to grid this thing out a little bit and say, okay, here's

1       our actual air baseline. Here are the SIP requirements.  
2       Here are the sources, mobile and stationary. Here are the  
3       program parameters, meaning we have an I/M program. And  
4       this is what our projected benefits are gonna be in terms  
5       of clean air for the I/M program, and then here's what the  
6       actual benefits were, and were there any plusses or minuses  
7       that went along with that? Then from there, now you wanna  
8       talk about PM. Great. Where does that now fit into the  
9       grand scheme of things, and shouldn't there be a more  
10      integrated approach. As we look at each of these things as  
11      a pill, how does it fit into the grand scheme of things and  
12      what does it mean in terms of air quality? Thank you.

13 CHAIR WEISSER: Bud, I think you've described in very broad  
14      outlines the SIP process, the State Implementation Plan  
15      process. That's precisely what they do every several years  
16      to try to come up with what actions we need to take at the  
17      state and local level to achieve better air quality. They  
18      go about, they identify what's the goal? What's the public  
19      health goal, and then what is the ambient air quality? And  
20      what kind of reductions over what period of time do we need  
21      to get to that clean air goal and which portions of those  
22      reductions need to come from different sectors of our  
23      society: mobile sources, stationary sources, federal  
24      sources?

25 MR. RICE: Is there a representative of the federal government

1       here now?

2 CHAIR WEISSER: No. How surprising. You know, that's the  
3 nature of the process. And then they do a chirrup and one  
4 of the problems in the last chirrup is that the amount of  
5 credit that was claimed from Smog Check was reduced  
6 substantially, cause the program - there weren't a lot of  
7 improvements that were suggested that were taken, so they  
8 had to back off how much credit they could claim from the  
9 Smog Check program.

10 MR. RICE: (Inaudible) if I could real quick. But here, here  
11 I'm talking about, we never seem to get to the point where  
12 we say, all right, let's recommend we take years five and  
13 six out of the program. What's that mean? How does that -  
14 how does that now fit in the grand scheme of things in  
15 terms of plusses or minuses to the program?

16 CHAIR WEISSER: Or actually here, if you mean the IMRC, we tried  
17 to address that question when we submitted our first  
18 report, the first report since I came here, where we tried  
19 to recommend to the legislature and to the administration  
20 those actions which we felt were merited and we tried to  
21 discuss very explicitly relying upon BAR and ARB data the  
22 sorts of emission reductions and costs that were involved  
23 in those recommendations. So I hope that we actually do  
24 come to grips with that sort of thing.

25 MR. RICE: Thanks.

1 CHAIR WEISSER: Thank you. Dennis?

2 MEMBER DECOTA: Bud, as a member of the industry, have you ever  
3 seen the State Implementation Plan as it relates to Smog  
4 Check?

5 MR. RICE: No.

6 MEMBER DECOTA: Would you know where to go find it?

7 MR. RICE: No.

8 MEMBER DECOTA: Have you ever had a situation where you had a  
9 public hearing or notice that there was going to be a  
10 meeting with regards to the State Implementation Plan, that  
11 you can recall?

12 MR. RICE: After the effect - after the fact.

13 MEMBER DECOTA: You have?

14 MR. RICE: Afterwards, yeah.

15 MEMBER DECOTA: Okay, all right. Yet it governs a lot of what  
16 we do. As a committee member and a senior, I've never seen  
17 it either.

18 MEMBER DECOTA: Thank you.

19 CHAIR WEISSER: I would urge the representatives of the Air  
20 Resources Board to immediately, posthaste, add Dennis  
21 DeCota and Bud Rice's names to your distribution list for  
22 notices on all actions associated with the SIP.

23 DR. LAWSON: Vic?

24 CHAIR WEISSER: In the interim - in the interim, I would urge  
25 you to go to [arb.ca.gov](http://arb.ca.gov). Their website is one of the best

1 in government. You can really get an enormous amount of  
2 information, both historical and prospective, in terms of  
3 their hearing process. It really is a model website. It's  
4 a very good website.

5 DR. LAWSON: Vic, this is Doug Lawson.

6 CHAIR WEISSER: Thank you, Doug. I'm not interested in a  
7 comment right now. We're going through committee members,  
8 so I'll get back to you in a second.

9 DR. LAWSON: Thank you.

10 CHAIR WEISSER: Jude.

11 MEMBER LAMARE: Thank you, Mr. Chairman. Regarding the SIP, it  
12 is my memory that the state will, in its next step, which  
13 is the eight hour ozone and PM 2.5 SIPs, that I had heard  
14 some rumor that these were going to be merged, and that the  
15 state would actually consider ozone and PM at the same  
16 time. This is relevant, I think, in several air bases  
17 where there is nonattainment for PM 2.5, as well as ozone.  
18 I'm wondering if Sylvia or Andy Panson [phonetic] could  
19 speak to that.

20 MALE: Good question. I've heard the same thing.

21 MS. MORROW: Sylvia Morrow, California Air Resources Board.

22 Yes, that is an option. We're hoping it would be an option  
23 for two areas this state, specifically the south coast, who  
24 already does an integrated plan. When they're doing their  
25 State Implementation Plan, they usually do it for all

1 pollutants at one time, since many of the precursors for PM  
2 and ozone are the same, so they do do that. We're also  
3 hoping that the San Joaquin Air Pollution Control District,  
4 who is the other area in the state that is nonattainment  
5 for PM 2.5, they're also planning on doing - well, I don't  
6 know if they are planning, but we're also urging them to do  
7 a comprehensive plan for both pollutants. One of the  
8 issues is, is that the eight hour ozone plans are due in  
9 June of 2007, while the PM 2.5 plans are due in early 2008,  
10 so there's a little discrepancy of the timing on those and  
11 hopefully, if all the modeling and everything is done for  
12 those two areas, we can have a comprehensive plan. Thank  
13 you.

14 CHAIR WEISSER: Okay, Doug?

15 DR. LAWSON: Yes, I would - Thank you, Mr. Chairman. I would  
16 just mention that to my knowledge, the NFAC model of  
17 California gives really quite large credits for the  
18 implementation of the Smog Check program. That being the  
19 case, that's why this program is so important to understand  
20 its effectiveness in attaining the path to clean air in  
21 California, so the model does give a lot of credit for Smog  
22 Check and it's important for the Committee members to  
23 understand what ARB thinks the credits are that are given  
24 in the SIP.

25 CHAIR WEISSER: Thank you, Doug. Are there any people in the



1 audience who - Oh, Sylvia had something directly to reply  
2 on that?

3 MS. MORROW: Sylvia Morrow, California Air Resources Board.

4 Just a quick note on that, and I don't know if Doug has  
5 been participating in all our meetings, but in the 2004 ARB  
6 BAR report, we had data from both roadside and MFAC and the  
7 percent reductions associated with both of those were  
8 similar, so I think that our estimates of how much on a  
9 percentage basis, what the Smog Check program is reducing  
10 is fairly accurate. Thank you.

11 CHAIR WEISSER: Thank you, Sylvia. Are there any people who  
12 have any questions or comments who have not spoken yet? I  
13 thought I saw a hand in the back of the audience. No.  
14 Charlie, please come up.

15 MR. PETERS: Yes, thank you, Mr. Chairman and Committee. I just  
16 wanted to take this chance to give you an opinion of what  
17 happened when I was in business with a specific little  
18 anecdotal opportunity for improvement, talking about the  
19 ancillary effects and setting standards and what kind of  
20 effect that can have. I had UPS come to my business  
21 because we had a significant change in licensing and the  
22 people who were doing the work there were Teamster Union  
23 employees who were basically working for a very ethical  
24 company who wanted to do things right. And the result of  
25 doing things right or wrong resulted in direct economic

1 impacts with those vehicles running down the road  
2 successfully or not, but they came - what happened was that  
3 these folks did not renew their licenses who were doing  
4 this job of inspecting or repairing cars within the  
5 business, so they came to me and asked me if I would be  
6 interested in providing that service. I said, well, I  
7 says, you being a corporate entity are not likely to want  
8 to respond to the kinds of quality that I would set and you  
9 probably wouldn't want me - no, no, no, we're UPS and we  
10 want to do it right. I said, okay, sir. I says, well, I  
11 believe that if in fact you do that, you'll get a  
12 significant improvement in the economic impact in your  
13 business and will result in a significant improvement in  
14 your profit. They said, let's go for it, Charlie. We  
15 started off with an 80 percent failure rate for emissions  
16 and visual and functional and so on and within six months,  
17 the changes that took place by setting those standards of  
18 vehicles running heavily down the road six and seven days a  
19 year [sic] on the run, full go, stop and start, lots of  
20 cold start warm-ups, and so on and so forth, went from over  
21 80 percent failure rate to less than five percent failure  
22 rate within six months. So that's not going back and re-  
23 inspecting those vehicles, but you're setting standards  
24 that they appreciated and more than likely significantly  
25 impacted their bottom line and their dependability on the

1 road and so on. So I believe that if in fact, issues of  
2 quality or audits, et cetera, are implemented in this  
3 program, the opportunities to improve the fleet emissions  
4 that I saw meant that that fleet of vehicles, which was  
5 very significant, probably reduced its fleet emissions by  
6 somewhere around 80, 90 percent within six months by a  
7 quality audit that produced, I believe, significant  
8 performance improvements and air quality improvements.

9 CHAIR WEISSER: Thank you, Mr. Peters. Okay, ladies and  
10 gentlemen. Oops.

11 MEMBER WILLIAMS: Jeffrey Williams again. I had one final  
12 question for Dr. Pinkerton. Have you ever hooked up to  
13 your rats the equivalent of sitting behind a gross  
14 polluting vehicle in traffic half an hour every day for a  
15 week?

16 CHAIR WEISSER: No, but he's brought them to an IMRC meeting.

17 DR. PINKERTON: This is Ken Pinkerton. No, I have not.

18 MEMBER WILLIAMS: It might be interesting, since what we're  
19 arguing about is the extreme pollution of a few vehicles  
20 and what is the health effects of that?

21 DR. PINKERTON: I agree.

22 CHAIR WEISSER: Okay, very good. Rocky, we now will move to our  
23 discussion on legislation, but I'm wondering. I notice on  
24 the agenda, as everyone has seen, we have a discussion with  
25 consumer groups regarding one of those bills, one of the

1 measure, AB 386. Are those representatives here in the  
2 audience? Terrific. Why don't you give us your report on  
3 the legislation and then we can engage in a discussion with  
4 consumer representatives?

5 - oOo -

6 MR. CARLISLE: Okay, with the exception of three bills,  
7 everything else has remained status quo. The three bills  
8 that there's no real movement on, but they continue to be  
9 alive: 386 is one that the Assembly Member Lieber's staff  
10 continued to meet with the interested parties and consumer  
11 groups to see if those issues or concerns can be addressed  
12 in the bill. 578, the Horton bill, that's the one that  
13 would modify the cap and test-only program. They continue  
14 to negotiate with the interested parties in that one as  
15 well. And finally, the Maze bill, AB 898, that one, the  
16 Assemblyperson has no intention of reintroducing, so that's  
17 pretty much the legislative update.

18 CHAIR WEISSER: Okay, I'm trying to stall for time, because I  
19 really want Jude Lamare to be here for this discussion, so  
20 I think I'll speak very slowly for a while. Let's see. Is  
21 there anything else on the agenda that we - IMRC consultant  
22 test, is that anything we might be able to do while we're -

23 MR. CARLISLE: No, that was a placeholder in case there was  
24 something we want to discuss. I do have a presentation of  
25 suggested future reports for the IMRC and we may want to

1 look at that, come back to the consultant list.

2 MEMBER HISSERICH: I have a - I have a comment, if I may, Mr.  
3 Chairman. This is John Hisserich.

4 CHAIR WEISSER: Please.

5 MEMBER HISSERICH: I think the fact that we had a rather  
6 thorough group of data for us to review this morning was  
7 evidence of the presence of the consultant's participation,  
8 and we appreciate that. I think it's helpful and I look  
9 forward to it more.

10 MR. CARLISLE: Been very helpful.

11 CHAIR WEISSER: I'm sorry, I was chatting with Jude. Okay,  
12 well, you did a great job. Rocky, I didn't get a chance to  
13 thank Dr. Pinkerton for his extended presence, and I wish  
14 on behalf of the Committee, you'd write him a letter and  
15 thank him very much for -

16 MR. CARLISLE: I absolutely will.

17 CHAIR WEISSER: And as well as for Doug, who has probably  
18 cauliflower ear, although he's not on the phone; he's on  
19 the web. Probably, his eyes are spinning, but I appreciate  
20 people, you know, who are able to put forward their time  
21 and effort, just like the folks here in the audience to  
22 help us try to do this job. Well, I think now I've stalled  
23 sufficiently, so we can move forward to talk about 386.  
24 386 was a measure, just to summarize, folks, that came up  
25 following, you know, several discussions that occurred at

1 IMRC meetings regarding the role of the Bureau of  
2 Automotive Repair and the role of the ARB in terms of their  
3 joint oversight, you know, their joint responsibilities and  
4 their separate responsibilities associated with the Smog  
5 Check program. And as I've said repeatedly, this Committee  
6 had not met with or taken, you know, a position other than  
7 that which we put in our public report to the legislature  
8 and the administration, where we recounted our concerns  
9 associated with the role and the direction that the program  
10 was being led by the Bureau of Automotive Repair. And we  
11 tried to recount several of these issues that led us to  
12 have some fundamental concerns over the priorities, the  
13 long-term priorities, of the Bureau of Automotive Repair in  
14 terms of how they matched up with this Committee's  
15 priorities. This Committee's priorities are listed in the  
16 item we briefly talked about earlier this morning, where,  
17 you know, our emphasis is trying to find cost-effective  
18 emission reduction opportunities from the mobile source  
19 fleet, the light-duty vehicle fleet and to have those come  
20 forward in a way that is convenient to consumers and fair  
21 and equitable to the industry providing these services.  
22 Apparently, representatives of Ms. Lieber were listening in  
23 our conversations, because before we knew it, a bill had  
24 been introduced to transfer a good deal of the policy  
25 direction associated with the program from the Bureau of

1 Automotive Repair to the Air Resources Board, as well as  
2 the budgetary authority, while leaving the role for  
3 implementation of the program in the hands of the Bureau of  
4 Automotive Repair, fundamentally, to try to align  
5 responsibility and authority with program purpose in a more  
6 clear way than that which currently exists. The bill was  
7 introduced. Ultimately, this Committee discussed it and  
8 took a position, I believe, in support of the bill.

9 Members of this Committee, including myself and Jude Lamare  
10 and I think Rocky Carlisle as a representative of this  
11 Committee, met with Ms. Lieber, also met with  
12 representatives of the Governor's Office, the State and  
13 Consumer Services Agency, the Department of Consumer  
14 Affairs, and anybody else who would sit down and chat with  
15 us. During the hearings, a lot of people had a chance to  
16 present their perspectives on things and a significant  
17 series of concerns - well, I should say, a series of  
18 concerns was raised by significant consumer  
19 representatives, and we've been asked by representatives of  
20 Ms. Lieber to chat with consumer representatives and also  
21 on our own behalf. We're very much interested in finding  
22 out what the concerns are with this move in the proposed  
23 package of legislation. So that's stage-setting, and if  
24 there are any representatives of consumer organizations in  
25 the audience who would care to share some of the thoughts

1 and concerns that they have with us, I would invite them  
2 now to the podium, and if you could identify yourself. You  
3 can take as long as you feel you need.

4 MR. BLACKLEDGE: Thank you. I'm Steve Blackledge. I'm the  
5 legislative director with CAL-PERG, California Public  
6 Interest Research Group, a consumer advocacy group, one  
7 that has also in the past worked a lot on clean air issues  
8 as well, and certainly I have a great deal of concern and  
9 care about clean air issues, in addition to consumer  
10 protection. We, along with many other consumer groups,  
11 many of whom said they apologized that they couldn't make  
12 it here today, had other conflicts in their schedule, but  
13 we weighed in, I would - well, we weighed in fairly late in  
14 the legislative process because we became aware of the bill  
15 fairly late in the legislative process and which - we could  
16 have weighed in sooner, but we weighed in and raised a  
17 number of questions about the bill and what the impact  
18 would be and the effect would be on the Bureau of  
19 Automotive Repair, the Department of Consumer Affairs.  
20 Even ARB weighed in with a number of questions and we  
21 weren't fully satisfied that the answers would be able to -  
22 we would get answers in time with - everyone here, I'm  
23 sure, has experienced, sort of, the end of legislative  
24 deadline and know how that work [sic] and so we weren't  
25 sure that we could be satisfied in the short time that was



1 left, and so we asked Ms. Lieber, who we have a great deal  
2 of respect for, if she would make her bill a two-year bill.  
3 So we never, at least my organization, never formally  
4 opposed the bill. We just had a number of questions and  
5 asked that she make it a two-year bill to address some of  
6 these questions and make sure that we were satisfied with  
7 what some of the answers would be. You know, number one, I  
8 think all of us in government and outside of government  
9 need to kind of question and analyze, sort of a transfer of  
10 responsibility and power and authority from one  
11 governmental agency to another. There's certainly a number  
12 of costs that go along with that, and in this case, we  
13 weren't sure what the costs were, and that was one of our  
14 questions, so how much would this cost to move it from BAR  
15 to ARB? I guess maybe one could argue that since you have  
16 the same three letters, there aren't as many costs, but who  
17 knows? But what would it mean and how much would it set us  
18 back in terms of would it mean training up a whole new set  
19 of staff? Would it mean moving programs over? Would it  
20 mean moving the Consumer Complaint Hotline program over?  
21 What would it mean exactly and how long would it take the  
22 new department or the new agency to get up to speed? And  
23 we didn't know the answer, and we weren't sure if others  
24 knew the answer for sure, and one of the reasons we argued  
25 for a two-year bill. And we had a whole set of questions

1 about what programs move over and whether the new  
2 department or whether ARB specifically would be able to  
3 deal with some of the enforcement questions and the  
4 consumer complaints and the hotlines and the inspections,  
5 where what would be the balance between BAR and ARB at the  
6 time? And I'm seeing an inquisitive look, so maybe that  
7 was spelled out more clearly than I realized, but certainly  
8 those were some of our questions at that time. How much  
9 would it cost? We already raised that. How much time  
10 would it take? How much would it set us back? And then to  
11 some extent, we wondered whether at some point we moved too  
12 much of it from - well, let me start - let me back up a  
13 step and say that the Smog Check program certainly has an  
14 impact on consumers and it has an impact on clean air, and  
15 so if we move it - if we go too far from moving it from one  
16 to the other, do we at some point have to move some of it  
17 back? And we wanted to make sure we had it right, if  
18 indeed this is the right process to go forward. So again,  
19 I can say that from my organization's perspective, we  
20 didn't oppose; we just had a number of questions and asked  
21 that we slow it down to make it a two-year bill and address  
22 some of these questions, some of these concerns.

23 CHAIR WEISSER: Thank you. I think every single question you  
24 asked is reasonable, and we should sit down together with  
25 Lieber's staff and ARB staff and BAR staff and try to talk

1 through each one of these issues. I don't know if you saw  
2 the paper that the IMRC developed and looked at various  
3 alternatives to cope with the -

4 MR. BLACKLEDGE: This fall?

5 CHAIR WEISSER: God, it was how long ago? Gotta be eight or ten  
6 months ago. I think it came out about the same time last  
7 year.

8 MR. BLACKLEDGE: Okay. I don't recall it, but I may have looked  
9 through it.

10 CHAIR WEISSER: Rocky, would you make sure that he gets that  
11 paper?

12 MR. CARLISLE: Yes, I will.

13 CHAIR WEISSER: And that all the consumer groups that appeared  
14 on the bill get the paper. And I'd urge you to read that,  
15 which will give you some insight in terms of the thinking  
16 and motivation on the part of this Committee. But the  
17 questions associated with the downsides of anytime you  
18 transfer are real questions and need to be dealt with in a  
19 forthright fashion, and I don't think it's the time and  
20 place for us to have that sort of back and forth, cause we  
21 need - like you said, you're one of the consumer  
22 organizations. There are others, and I think it'd be  
23 really helpful to everyone to just have a discussion.  
24 What's the best way to deal with this issue? I mean, what  
25 would be best in my mind was if you could reasonably expect

1 the priorities in the Bureau of Automotive Repair to focus  
2 on cleaning the air to a higher degree than they currently  
3 do. That was my hope when I took this position as Chair.  
4 I've had to give up on that, and really move toward  
5 thinking, you know, we just need different leadership,  
6 leadership whose responsibility is directly tied to air  
7 quality, not ease of program administration. And that's  
8 why - and I think this Committee as a whole bought into  
9 that. That's why we put out the paper and I'm convinced  
10 that's why Assemblywoman Lieber put her bill in. She's a  
11 good person. It is up to us outside stakeholders to sit  
12 down and chat together about this, so I'm going to ask  
13 Rocky to work with you and your compatriots to set up a  
14 session where we can sit down and talk these through, and I  
15 would love to have BAR and ARB present. There's no hide  
16 the ball here. We're all adults. Jude?

17 MEMBER LAMARE: Thank you, Mr. Chairman. I see that Assembly  
18 member Lieber's staff is here today, Dan Chau, and I  
19 wondered if Mr. Chau had any thoughts or recommendations on  
20 how to proceed with discussions on the bill?

21 MALE: I didn't know that was (inaudible).

22 MR. CHAU: Thank you, Chair Weisser, Members of the Committee.  
23 Dan Chau, Staff to Assemblywoman Sally Lieber. We have  
24 been - since the concerns of the consumer groups have been  
25 raised toward the end of session, we have made great

1 efforts to engage and seek out greater clarification of  
2 their concerns, and since the end of session, we've been  
3 continuing to do that, and we're committed as the next -  
4 this coming year of the session begins, to do that as well.  
5 I wanted to wait until after this presentation to directly  
6 engage the consumer group organizations and, you know, I  
7 think greater clarification of some of these concerns - I'm  
8 still in need of greater clarification. I think a sit-down  
9 meeting with these organizations and members of ARB and BAR  
10 and even members of the Senate and Assembly Business and  
11 Professions Committees would be a wise thing to do, so I  
12 fully remain available to do that, and Ms. Lieber is as  
13 well, so.

14 CHAIR WEISSER: Terrific. You know, it was our intent in our  
15 paper, and something the Assemblywoman picked up on, to try  
16 to do this as - frankly, as simply as possible, to reduce  
17 costs, to reduce time lag, and to not upset those things  
18 that BAR has shown themselves able to do well, or pretty  
19 well. You know, we looked at but rejected the notion of  
20 moving the entire BAR over to ARB, or even moving the  
21 entire BAR function associated with Smog Check over to ARB.  
22 There are operational and implementation things where, you  
23 know, BAR has a long history in terms of working with  
24 consumers and working with businesses that, by and large,  
25 has been very successful. Let's keep that there. It's the

1 program policy direction where we were looking towards a  
2 change. That's what we tried to structure, to not screw up  
3 that part that's working well. And if there are better  
4 ways to do that, my ears are open. I just haven't thought  
5 of them. Jude?

6 MEMBER LAMARE: Vic, you said your hope was to get the BAR  
7 focused on air quality goals and priorities, and I feel  
8 compelled to note that in my role on this Committee almost  
9 now for two years, I think, and my other work on air  
10 quality, where I'm aware of what ARB is doing and how  
11 they're operating with respect to other air pollution  
12 control measures, it has become my hope to get ARB more  
13 focused on Smog Check as an air quality strategy. I really  
14 feel that Smog Check has been bracketed and that IMRC has  
15 been thrown into the position of listening to what people  
16 have to say about Smog Check and that the Air Resources  
17 Board is blissfully unaware as a board what role the Smog  
18 Check plays in the air quality strategy for California.  
19 There are a number of very important air districts out  
20 there that require a very effective Smog Check program to  
21 meet their air quality goals, but that need is not  
22 addressed by the Air Resources Board in any systematic way.  
23 So at minimum, I would hope that we come out of this at the  
24 end of the legislative year with at least a requirement  
25 that the Bureau report directly to the ARB board on a

1 regular basis about the program, about its performance,  
2 about the issues that are coming up and the opportunities  
3 for greater emission reductions from the Smog Check  
4 program, realizing that this is a hybrid program. We  
5 looked at other states and saw that the other states were  
6 not using their Consumer Affairs Department to run their  
7 Smog Check program, and that seemed like a very big red  
8 flag to those of us on IMRC that wanted to make this  
9 change. But even accepting that history's already been  
10 made here, there surely are some things that can happen  
11 too, that will better integrate the Smog Check program into  
12 the Air Resources Board's air quality planning. Today, for  
13 example, we heard that folks didn't even know when a SIP  
14 was made or when a SIP hearing was or how Smog Check worked  
15 in a SIP, and I think that reflects the problem that the  
16 Smog Check program is a stepchild in the California Air  
17 Resources Board air quality strategy. The year 2000 report  
18 certainly reflects that. There were shortfalls. There  
19 were apologies. There were ways of making it up with  
20 something else, but I think it really begs the question.  
21 We have a Smog Check program for an air quality purpose and  
22 we need to make sure that we're getting out of the program  
23 something that truly does improve air quality. I am not in  
24 any way criticizing the Air Resources Board staff or the  
25 time and effort that they put into overseeing the Smog

1 Check program, but I am truly worried when the Smog Check  
2 guru at the Air Resources Board has been the same person  
3 for 20 years and life moves on. I feel that we need to  
4 make sure there's a strong unit of policy, budget people,  
5 Smog Check evaluation people at ARB who can carry on and  
6 make sure that this program remains an effective part of  
7 the air quality strategy or that we know what we're doing  
8 instead. So thank you for indulging me in this little  
9 speech. It's, I think, not just a matter that the Bureau  
10 has other priorities, but that this program never sees the  
11 Air Resources Board. The Chairman of the Air Resources  
12 Board never says boo! about what happens in the Smog Check  
13 program. That isn't right. It should be up there with all  
14 the other mobile source programs, going through the same  
15 kind of scrutiny. We have a Moyer program, we have a Smog  
16 Check program. The same evaluation effort ought to go into  
17 both of them, and I would be interested in anything else  
18 that anyone in the room has to say about this subject.

19 Thank you.

20 CHAIR WEISSER: Dennis?

21 MEMBER DECOTA: I could not agree with Jude more off of what  
22 she's just stated. I also think that the Bureau of  
23 Automotive Repair somewhat becomes the scapegoat for policy  
24 made without input by ARB with regards to Smog Check. So  
25 this industry representative isn't sure of his support for



1 AB 386 because he doesn't actually understand how that will  
2 take and create a situation that is clear or less murky  
3 than the one that he's been faced for the last 14 or 15  
4 years he's been on this Committee. It is a, I think,  
5 important question that the consumer groups have asked. I  
6 know that industry is very concerned with a change and how  
7 it will affect them in everything from consumer relations  
8 to enforcement to program - how the program works. So, you  
9 know, we need to take and have a dialogue on this. I think  
10 that stakeholders need to be involved in this from every  
11 aspect of both industry, as well as government, and I  
12 honestly would pray for the day that the SIP isn't used as  
13 the scapegoat for policy that is not public. Thank you.

14 CHAIR WEISSER: Any further comments from members of the  
15 Committee? Any comments from people in the audience?  
16 We'll start from the left and work our way right. Mr.  
17 Trimlett.

18 MR. TRIMLETT: I have a question for the representative from  
19 Sally Lieber's office. Can he step forward, please?

20 CHAIR WEISSER: Why don't you direct your question to me and  
21 I'll decide whether he'll be responding directly to you?

22 MR. TRIMLETT: No legislator ever carries a bill without driving  
23 force from some special interest group. It does not - I  
24 cannot believe that AB 386 just came out of Sally Lieber's  
25 mind. I would like to know who is the driving force. Who

1 is the driving force special interest group that brought  
2 about 386?

3 CHAIR WEISSER: I don't know whether - Dan, you should feel very  
4 comfortable in not responding or in responding, whatever  
5 you choose. This is something that, Len, you can chat with  
6 staff offline, so Dan, it's up to you whether you want to  
7 respond.

8 MR. CHAU: (Inaudible.)

9 CHAIR WEISSER: Okay, so why don't you have a discussion offline  
10 and he'll give you an answer.

11 MR. CHAU: (unclear) answer?

12 CHAIR WEISSER: Pardon me?

13 MR. CHAU: (unclear) answer?

14 CHAIR WEISSER: We'll move on. Next comment, going left to  
15 right. We'll start with Mr. Saito in the back.

16 MR. SAITO: Thank you. Dean Saito with the South Coast Air  
17 Quality Management District, and just to add to board  
18 member Lamare's question, the South Coast AQMD did support  
19 AB 386. And it was based on the notion that in the south  
20 coast, where we have a black box of unidentified control  
21 measures approaching 300 tons a day, we need every pound of  
22 emission reductions possible, and when you have a program  
23 where the SIP commitments haven't been met from the 97 SIP,  
24 we did not feel that BAR was adequately addressing the SIP  
25 commitments made in the previous SIPs. And when you have a

1       - I guess - let me put another personal note on this.  
2       Having worked both at BAR and the Air Resources Board, I  
3       have a unique perspective of the SIP relative to the Smog  
4       Check program. In many of the air districts, the Smog  
5       Check program is the backbone of the control measures for  
6       mobile sources measures, so it is the critical backbone in  
7       the air quality plans to achieve attainment in regions that  
8       are severe and above for ozone and for PM 2.5., and when  
9       commitments have not been made dating back to the 97 AQMP,  
10      we take that very seriously, and it also impacts such  
11      issues as transportation conformity. When the local MPO  
12      can't demonstrate - make a conformity finding on  
13      transportation projects because of the SIP shortfalls  
14      relative to the Smog Check program, highway projects are  
15      jeopardized, and we're talking millions and millions of  
16      dollars. If I was to ask somebody at BAR about  
17      transportation conformity, I would venture to guess I'd get  
18      a blank stare, because they don't understand the aspects of  
19      transportation conformity relative to the Smog Check  
20      commitment. So based on that, the District did support AB  
21      386 with the hopes that we can not only achieve the  
22      commitments already made in the SIP, but even get  
23      additional reductions from the Smog Check program, even to  
24      the point where at the last, the 2003 AQMP, the District  
25      added several recommendations to improve - recommendations

1 such as addressing the exemption for four wheel drive  
2 vehicles and all wheel drive vehicles, from the loader mode  
3 test, such exemptions as the diesel exemption from the Smog  
4 Check program. These were recommendations that we made in  
5 our AQMP, how to get additional reductions from the Smog  
6 Check program. We even wanted BAR to consider the  
7 inclusion of both the two speed idle test and the loader  
8 mode test to the enhanced areas, because in a region that  
9 is so congested and where you have so much idling on the  
10 freeways, we think a two speed idle test across the board  
11 makes sense.

12 CHAIR WEISSER: Thank you, Dean. Dennis, did you have a  
13 question of Dean directly?

14 MEMBER DECOTA: Dean, I have a question, please. As the Air  
15 District has goals in order to make its numbers in  
16 attainment, I wanted to ask you, have you already tried to  
17 initiate a formula of reduction for evap in order to take  
18 and meet your attainment needs and goals?

19 MR. SAITO: That is already embedded into the SIP and counted as  
20 reductions.

21 MEMBER DECOTA: I understand that, and it was loaded, okay. I  
22 did know that. My question to you is, how can you take  
23 credit for something that's not state law?

24 MR. SAITO: It was a commitment made by the state of California,  
25 the state Air Resources Board, to US EPA as a commitment as

1 part of the I/M program, so you can take credit.

2 MEMBER DECOTA: Thank you. Thank you, Dean, because I've been  
3 trying to get someone to speak to this for a long time, and  
4 what I'm saying is, if it is a technology that hasn't  
5 arrived, i.e., it's riddled with problems and it cannot be  
6 implemented without a considerable cost to consumers  
7 because of whatever reason and you've taken credit, haven't  
8 you put your Air District in jeopardy of not attaining its  
9 goal?

10 MR. SAITO: Well, keep in mind, the Air District did not take  
11 credit for the program; the state of California did. The  
12 state of California took credit for that commitment to  
13 address the shortfall issues that was identified in earlier  
14 I/M evaluation, and the reason why the state had to do it  
15 was to allow regions to demonstrate conformity with the  
16 transportation conformity regulation.

17 MEMBER DECOTA: Thank you. You've been very helpful.

18 CHAIR WEISSER: The answer to your question, Dennis, is yeah, it  
19 does put everyone in jeopardy in terms of meeting our  
20 commitments to -

21 MEMBER DECOTA: I just get confused, that old saying, of the  
22 people, by the people, for the people. Where's our  
23 (overlapping)?

24 CHAIR WEISSER: I'm ready to stand up and salute, Dennis. Okay,  
25 Bonnie, are you next?

1 MS. HOLMES-JENN: Bonnie Holmes-Jenn - I'm not sure if I'm next,  
2 but I'm scampering up here - with the American Lung  
3 Association of California. I just want to make a very  
4 brief comment. I wanted to say that we strongly support  
5 what Jude Lamare has just stated in terms of the need for  
6 stronger guidance by the Air Board over the Smog Check  
7 program and we were a strong supporter of AB 386 by Sally  
8 Lieber. And I just wanted to comment that the information  
9 that you've been hearing the last meeting and this meeting  
10 about the health effects of particulate matter are just -  
11 it has crystallized the importance of having the Air Board  
12 have stronger oversight over this program. You've heard a  
13 little bit today, and I appreciate you going into this  
14 voyage in the health effects of air pollution. I know  
15 that's not the normal kind of realm of discussion here at  
16 the IMRC, but it is incredibly important to understand that  
17 particulate pollution and other air pollutants harm  
18 children's lungs for life, which means that these early  
19 exposures that they're having are going to impact the lung  
20 development, which will impact their potential  
21 susceptibility to lung disease later in life. And so in  
22 terms of elevated cancer risk, in terms of risks of  
23 developing asthma and other lung diseases, these early  
24 exposures are having a profound impact on our population.  
25 And I'm speaking extemporaneously, but I just wanted to

1 make the point that this information that you're hearing  
2 today about PM health effects is exactly why there needs to  
3 be stronger guidance and oversight over this important  
4 program, and the legislature just recently held a  
5 children's health hearing and there's more hearings coming  
6 up on this topic, and a lot of it boils down to, what are  
7 we doing about our vehicle pollution control programs?  
8 What are we doing to ratchet down, to get more out of our  
9 vehicle control programs, especially Smog Check? And we  
10 just need to elevate the importance of this program at the  
11 ARB.

12 CHAIR WEISSER: Couldn't agree more. Thank you very much. I  
13 guess I would add, Bonnie, we wouldn't have a Smog Check  
14 program if it wasn't for our need to clean the air, to  
15 reduce emissions. The fundamental purpose of the Smog  
16 Check program is to clean the air. The fundamental purpose  
17 of the Air Resources Board is to clean the air. These two  
18 programs need to be aligned. Charlie and then Bud. We  
19 only have about three hours more of this meeting to go,  
20 folks. Fasten your safety belts.

21 MR. PETERS: Mr. Chairman, Committee, Charlie Peters, Clean Air  
22 Performance Professionals, representing a coalition of  
23 motorists. Mr. Chairman, I have to say that I am kind of  
24 blown away to see the kind of interest that's here today,  
25 and I appreciate it big time. In this room are people that

1 are very significant policy people in the state government,  
2 besides the Committee, which of course has very significant  
3 standing in this process. But just to respond to the  
4 gentleman from South Coast, back before he went to South  
5 Coast, back when we were hearing the FIP procedure, on the  
6 first day of that hearing, which was ran across two months  
7 because there was people from all over the country - even  
8 Mr. Waxman was involved. It was just a very high profile  
9 situation. The ex-chairman who was still on the board  
10 talked to me about the possibility of going down and asking  
11 for support from the South Coast Air Quality Management  
12 District on improved oversight to improve performance. The  
13 meeting was shut down at the end of the meeting. They shut  
14 down the consoles. Everybody was walking out the door. I  
15 got up and walked up and said, gee, I thought I had signed  
16 up to comment on things not on the agenda. They restarted  
17 the meeting, restarted the electronics. All these people  
18 running out the door came back, made a presentation. They  
19 agreed to address those issues. Never heard from them  
20 again. Here in my packet of information is where I  
21 testified to the Central Valley, San Joaquin Valley Air  
22 Pollution Control District, June 20<sup>th</sup>, 2002. Board Member  
23 Haggard requested that with regards to Mr. Peters' comments  
24 on Smog Check II, he would like to request that staff have  
25 a conversation with Mr. Peters regarding Smog Check II



1 program and prepare a briefing report for the Board. Never  
2 happened. In here it says that this information, these  
3 requests, need to be provided to the Air Resources Board so  
4 they can act on them. I believe that the 1994 legislation  
5 in California requires the Air Resources Board - the Bureau  
6 of Automotive Repair to be in charge of policy on Smog  
7 Check. I think that it's appropriate to give some support  
8 for the Bureau of Automotive Repair to enhance this  
9 program, make it work better, and this issue of business of  
10 possibly moving the program to ARB, who may want to move it  
11 to South Coast to create tradable credits rather than  
12 applying credits at the SIP level may be what this is  
13 about, and it's a really interesting business strategy that  
14 I think is not appropriate.

15 CHAIR WEISSER: Thank you, Mr. Peters. Mr. Rice?

16 MR. RICE: It's not worth responding to. Thank you, Mr.

17 Chairman. I hope to rise just one more time at the open  
18 comment session and that's it. One quick comment. As  
19 somebody that owns some repair shops and is governed by the  
20 Bureau of Automotive Repair, I'll tell you that there's  
21 been a market shift in the way that the Bureau operated a  
22 number of years ago to the way they operate today. Part of  
23 that problem, in my opinion, was a shift in funding where  
24 at one point in time, the BAR was almost a self-contained  
25 business unit for the state of California in terms of, they

1 had their own budget; Smog Check monies that were raised  
2 went back into the Bureau; they had great undercover  
3 programs going. They had a PICA program going; they had  
4 regional offices all over the place in terms of, guys could  
5 go in and talk to representatives. Most of that's gone,  
6 okay, and as the funding went from the Bureau to the  
7 Department of Consumer Affairs, so did a lot of the service  
8 in terms of, they had to shut down offices, lost a lot of  
9 members of the Bureau of Automotive Repair, and today I  
10 can't even tell you who the office manager is in the place  
11 closest to me. Now it's Richmond and San Jose. Well, we  
12 used to have San Francisco, we used to have Hayward, so  
13 there were a number of places you could go and a number of  
14 services that guys in my industry had access to that are no  
15 longer readily available to us any longer. My concern is,  
16 and I'm kind of matching up with what Mr. DeCota is saying,  
17 I'm wondering if siphoning off a little more blood out of  
18 the Bureau of Automotive Repair won't hurt them and in  
19 response to that, hurt us, and then in response, hurt the  
20 program in general. Thank you.

21 CHAIR WEISSER: Thank you, Mr. Rice. Any further questions or  
22 comments? Thank you. Chris? Sure.

23 CHRIS: It's not 386. It's -

24 CHAIR WEISSER: Is it on legislation?

25 CHRIS: It is on legislation.

1 CHAIR WEISSER: Then go. Give us a shot.

2 CHRIS: This is a general question that probably should be asked  
3 and answered sometime in the future. There's been a lot of  
4 discussion in the last two committee meetings about the  
5 automobile's contribution to PM, and vis a vis diesel. In  
6 2004, model year exemptions for 2005 for fifth and sixth  
7 model year vehicles were exempted from the Smog Check  
8 program, as well as transfer of ownership for all cars four  
9 years and newer. In addition to that, there were fees put  
10 on tire sales. All the revenue in the fees that came from  
11 these vehicles that were exempted and the revenue that came  
12 from the tire fees were to go in to Carl Moyer to pay for  
13 mitigation of PM pollution. The question that I have as we  
14 bear this conversation out of automobiles' contribution to  
15 the PM pollution in this inventory in the state of  
16 California is, how much of the revenue derived from  
17 automobiles in the Smog Check program will come back to  
18 mitigate the PM emission from light-duty automobiles versus  
19 diesel?

20 CHAIR WEISSER: Are you making reference to the \$114,000,000  
21 that has been borrowed to support the General Fund, Chris,  
22 over the last several years?

23 CHRIS: No, I'm making a reference to the new fees that were  
24 created when the vehicles were exempted out of the program  
25 and the new fees that were created on the sale of tires

1       that were to be put into the Carl Moyer program to, I  
2       guess, benefit diesel reductions for PM. We're now seeing  
3       the balances shifted, perhaps, that while diesel is a  
4       problem and continues to be a problem, we have an equal or  
5       greater problem on the light-duty automobile side as well.

6 CHAIR WEISSER: That's what some of these early indicators are,  
7       that we could. I think it's very interesting. You raise a  
8       very important question.

9 CHRIS: And if in fact, these fees are being derived from light-  
10      duty vehicles and they are for PM mitigation, I would  
11      suggest this Committee has some resources it can play with  
12      in looking at how to tackle the problem on light-duty PM  
13      pollution.

14 CHAIR WEISSER: Thank you very much. As we conclude this  
15      portion of the agenda, I would like to draw people's  
16      attention back to the triggering event, at least the  
17      triggering event in my mind, that switched me to the point  
18      where I became an advocate of moving policy direction from  
19      BAR to ARB, and it relates to the conclusion of the very  
20      late ARB/BAR joint study, where for over a year, this  
21      Committee held hearings, public hearings, on behalf of ARB  
22      and BAR. We had workshops, we had groups, subgroups,  
23      subcommittees working on various elements, all based upon  
24      the joint ARB/BAR study, which made, you know, a series of  
25      recommendations to improve the effectiveness of the Smog

1 Check program. Literally a couple of days before our final  
2 meeting to adopt our report, which endorsed the  
3 recommendations of the joint BAR/ARB study, we were  
4 informed by the Bureau of Automotive Repair that they no  
5 longer supported those recommendations. Their partner in  
6 study, ARB, had not been consulted. Other state agencies,  
7 including the Department of Motor Vehicles and the  
8 California Highway Patrol, had not been consulted. The  
9 rationale that we heard that day as to - at our meeting as  
10 to why they were backing off of these recommendations was  
11 along the lines of, we're already getting enough emission  
12 reductions from this program. And I'm sorry, folks, that's  
13 not what this program is about. That sort of leadership  
14 and approach is inconsistent with what the Smog Check  
15 program is about, in my mind. Thank you.

16 - oOo -

17 Okay, I think our next subject is new report suggestions,  
18 and Rocky, following the meeting that we had at the - our  
19 last meeting, we asked you to solicit ideas from members of  
20 the Committee and also members of the public as to issue  
21 areas that this Committee might want to become engaged in.

22 MR. CARLISLE: Correct.

23 CHAIR WEISSER: So with that -

24 MR. CARLISLE: I should tell you, I also interjected some other  
25 issues that I have up here. I've got five issues that I

1 wanted to talk about. One is long term planning, another  
2 one is standardized program evaluation methodology. I know  
3 that's near and dear to Jude's heart. She's worked a lot  
4 on this. OBD II, which we've talked about today.

5 COMPUTER: This conference is showing no activity. If you'd  
6 like to continue the conference, press star one now.

7 MR. CARLISLE: We can turn that off. \$450 cost limit, which  
8 we've talked about, and last but certainly not least, the  
9 International Registration Plan, so we'll talk about them  
10 one at a time. First of all, one of - this is my opinion,  
11 but one of the problems with the program is, we tend to be  
12 reactive instead of proactive in a program that has  
13 significant impacts on health and consumers, and should I  
14 ask the automotive repair industry or Ed. It accounts for  
15 about \$800,000,000 a year in revenue generated. That  
16 simply is testing revenue and repair revenue.

17 COMPUTER: This conference is showing no activity. If you'd  
18 like to continue the conference, press star one now.

19 MR. CARLISLE: That does not include the certificate fees. So  
20 when you add everything up, it's pushing a billion dollars,  
21 and I don't think we ought to be reactive; I think we ought  
22 to be a little more proactive.

23 [Break in the tape.]

24 MR. CARLISLE: Sounds like we're back on line. Sorry about the  
25 confusion. So we were talking about proactive versus being

1 reactive, so I thought about looking at what would the  
2 program look in 2010? What are some of the possibilities?  
3 First of all, it seems inconceivable to me that we're going  
4 to continue to test all the vehicles, or the majority of  
5 the vehicles in the fleet to find the 14 percent of the  
6 vehicles that really account for the air quality  
7 improvements, because when you look at the program, we're  
8 testing vehicles, it says here, 44 percent of the fleet  
9 annually. Got to remember, we're only testing every two  
10 years, so that actually equates to 88 percent of the fleet.  
11 We're finding 14 percent of those that are failing and  
12 we're cleaning those up, so in reality we're charging  
13 consumers approximately \$500,000,000 in test costs and  
14 generating somewhere in the vicinity of \$250,000,000 in  
15 repair costs, and it's really the repairs, not the tests,  
16 that generate the emissions benefits. So that was one  
17 issue. Some of the tests, we could test fewer cars, based  
18 on technology, but then we could test some annually. It  
19 seems reasonable that a number of states are currently  
20 doing that with significant vehicle populations, and I  
21 would argue that anytime you're pushing a couple of million  
22 vehicles, I mean, while we can boast that we've got  
23 25,000,000, we're the eight-hundred pound gorilla if you  
24 will, certainly 13,000,000 vehicles and 10,000,000 vehicles  
25 in New York is nothing to sneeze at, and they're doing it

1 annually. So then you look at technology. What's it going  
2 to do? I mean, remote sensing continues to improve. We  
3 talked about the downfalls of OBD II, but, you know, OBD  
4 III is on the horizon. It may contain bidirectional  
5 communications. That sends up a lot of flags for some  
6 people. I mean, certainly there's privacy issues to  
7 consider; if somebody can simply turn on a computer and  
8 find out where Mr. Hisserich had lunch, for example, or  
9 something like that, so that's a concern, but I think it  
10 also gives us an opportunity to look at some of these new  
11 technologies. Plus, we're going to have more durable  
12 vehicle emission systems, and one example of new  
13 technology: a couple years ago, BAR did a pilot. It was  
14 called the Network Car Pilot, and it was done in the early  
15 2001, I believe, and the idea was to take a device created  
16 by network car and plug it into the OBD II system. And  
17 what the agreement was, was these vehicles would be  
18 exempted from a Smog Check until December 2005. They also  
19 agreed to, if the MIL light illuminated, they would  
20 immediately have it fixed and repaired within 30 days.  
21 Now, it gave the ability - it gave BAR the ability, if you  
22 will, to look at a database and they could see the second a  
23 MIL light came on or a problem existed with the vehicle.  
24 And what would happen, they would immediately pull the  
25 exemption if they failed to comply with the requirement. I



1 don't have the results of that. I just know that pilot did  
2 take place and it's scheduled to expire, I believe, next  
3 month. So then you have to ask, do we still need ASM  
4 testing in 2010? I know that throws up a red flag, but by  
5 2010, all stations, or the majority of stations in this  
6 state will have had approximately twelve years to advertise  
7 equipment. Bay Area stations will have had about seven.  
8 Now, I don't know what the answer to the question is; I'm  
9 just throwing this out for consideration. If OBD II and  
10 OBD III improve, given the fact that the majority of the  
11 states right now with programs use OBD II exclusively for  
12 96 and newer vehicles, it seems reasonable to expect that  
13 there may be some benefit there. And should we continue  
14 testing vehicles in change of ownership program areas? If  
15 we do change the program, you're going to have a problem in  
16 the change of ownership areas, simply because there's not a  
17 lot of stations and they only test when it changes  
18 ownership. Now, with the new exemption of the first four  
19 years, there may not be enough participants to even  
20 participate in that program. The other thing is, change of  
21 ownership areas are in compliance with air quality  
22 standards and the owners of those vehicles currently pay  
23 for benefits, or pay for the program, but they don't  
24 receive the benefits, per se. It's not that many  
25 inspections per year, but again, it's something to

1 consider. And the whole idea behind looking at some of  
2 these things is to really think down the road what this  
3 program looks like five years from now. Tailpipe testing  
4 of fewer cars, pro versus con. Well, certainly, you have a  
5 significant savings for the consumer. You save  
6 \$250,000,000 plus, cause that is the majority of the cost.  
7 You could improve cost effectiveness. You have less  
8 consumer inconvenience. They don't have to go to the  
9 station. And by the way, I did ask for security to escort  
10 me out of the building when I'm done with this  
11 presentation.

12 CHAIR WEISSER: Darn good idea.

13 MR. CARLISLE: It requires fewer stations and could possibly  
14 reduce BAR enforcement costs. The cons, reduces income to  
15 Smog Check stations and reduces revenue to the state,  
16 effectively DCA and BAR. I'm not saying these are  
17 recommendations we want to make; I'm just saying these are  
18 things we need to consider as a Committee. Some of the  
19 issues to consider if you reduce the number of tests would  
20 be, because of the reduced funding, you may want to request  
21 a audit of DCA funds by the Department of Finance. That's  
22 something they do on a regular basis, because the program  
23 changes may reduce BAR costs and it could negatively impact  
24 the Department of Consumer Affairs funding, and the  
25 Department of Consumer Affairs does a fabulous job in

1 protecting consumer at large, and so I don't think we want  
2 to negatively impact them. It also requires planning and  
3 sufficient industry lead time. This is one of the areas  
4 that I really get concerned about, because when we make a  
5 program change, it's not uncommon to say, station owner in  
6 about six, eight months, twelve months maybe, you know,  
7 you're going to have to cough up \$50,000 if you want to  
8 continue to participate in this program. I think that's  
9 something that needs a little bit more lead time to give  
10 the industry an opportunity to make an intelligent business  
11 decision. I don't think anybody in this room - I mean,  
12 some shop owners have had to do that, but most people are  
13 not going to want to just on a spur of a moment decide, I  
14 need to spend \$50,000. I'm just going to do it. And so I  
15 think we have a responsibility, really, to the industry,  
16 since they administer this program and have since 1984, to  
17 involve them, number one, in the planning of it, and two,  
18 to make sure they had sufficient lead time if it's going to  
19 be changed drastically, which again, technology may dictate  
20 that. So that was one thing. The other thing was  
21 standardized methodology for program evaluation.

22 CHAIR WEISSER: I'm sorry, Rocky. This first slice of what you  
23 just talked about is to try to put us in the position of  
24 thinking about the program in the future?

25 MR. CARLISLE: Yes.

1 CHAIR WEISSER: Now you're moving to a particular -

2 MR. CARLISLE: Just the topics. I was just trying to give the  
3 Committee something to consider.

4 CHAIR WEISSER: Okay, potential future work topics.

5 MR. CARLISLE: Yes, exactly.

6 CHAIR WEISSER: So one might be long-term program design, sort  
7 of.

8 MR. CARLISLE: Exactly.

9 CHAIR WEISSER: Okay, and now we're moving to -

10 MR. CARLISLE: Moving on to -

11 CHAIR WEISSER: - standardized program evaluation methodology.

12 MR. CARLISLE: You bet.

13 CHAIR WEISSER: Thank you.

14 MR. CARLISLE: And my hope was, maybe, before the end of the  
15 day, we assign subcommittees to these, because we have two  
16 months within which we can work within and maybe come up  
17 with some ideas. So currently, we talked about program  
18 evaluation. The last program evaluation was done - let me  
19 back up - required January 1<sup>st</sup>, 2003. It's potentially  
20 going to be delivered January of 2006. It's based on 2002  
21 data, so it's somewhat limited in its ability to predict  
22 what's going on right now. We have a lot of data. We have  
23 millions and millions of test records, but one of the  
24 things we could do is turn off the Fast Pass for one day  
25 out of the year. That would give us over 30,000 data

1 points, or 30,000 samples, if you will, to do a program  
2 evaluation. At most it adds 90 seconds to the test,  
3 because the maximum test cycle is about two and a half  
4 minutes. It normally takes about 30 seconds per drive  
5 trace, 15 miles an hour and 25 miles an hour, so you're not  
6 going to extend anybody's time that long, and that's the  
7 only part of the test it really impacts, is the drive trace  
8 itself, and this would give us the ability to get  
9 consistent emissions results when we look at the data. We  
10 might want to consider remote sensing devices. You could  
11 collect a representative sample of vehicle emissions. The  
12 reason it says not random, I mean, you could collect a  
13 random sample in south central Los Angeles, but I would  
14 argue that would not represent, maybe, Beverly Hills or,  
15 you know, some other high income area. So you'd want a  
16 representative sample of possibly 20 locations around the  
17 state. You could use roadside Smog Check inspection data,  
18 if that's still being done. I know that the Bureau of  
19 Automotive Repair has had a significant workload placed on  
20 them by remote sensing, so a lot of their staff has been  
21 transferred to that project. And then another component of  
22 it really should be a consumer information survey. Like I  
23 mentioned before, consumers pay the bills for this program,  
24 but we know the least about them. And one of the issues  
25 that we talked about earlier was you know, what do they

1 actually pay for the Smog Check inspection? Maybe instead  
2 of the \$48 that I continue to cite based on the BAR  
3 website, maybe it is \$20. Don't know. So I think this  
4 would all help in the evaluation methodology. Currently,  
5 BAR has the ability to do a random roadside test and they  
6 typically, or they would, like Sylvia mentioned earlier,  
7 conduct an evaluation based on that, compare that to the  
8 model, but with insufficient staffing, I don't believe  
9 they've been able to do that, but I'm going to follow up on  
10 this. The last time I checked, they had an inability to  
11 actually conduct any large number of roadside tests. So my  
12 thought was, we need to develop a program that evaluates  
13 emissions reductions in tons per day, helps calculate cost  
14 effectiveness, and also would maybe help us in determining  
15 repair durability. So what are the benefits of it? The  
16 benefits, first of all, it allows us to comply with the  
17 Health and Safety Code. We're supposed to report, at a  
18 minimum, every year to the legislature and the  
19 administration. It also allows us to make a year-to-year  
20 comparison of the program improvements and it provides an  
21 evaluation of consumer experiences relative to the Smog  
22 Check program. So I think it's got a lot of benefits.  
23 Then we were talking about OBD -

24 CHAIR WEISSER: Excuse me, one second, Rocky.

25 MR. CARLISLE: Yes, sir.

1 CHAIR WEISSER: Jude?

2 MEMBER LAMARE: If you don't mind, I'll just comment -

3 MR. CARLISLE: Absolutely.

4 MEMBER LAMARE: - on this discussion of standardized program  
5 evaluation methodology. At the end of our effort last  
6 year, we talked about things that we hadn't really coped  
7 with, and one of them was called standardized program  
8 evaluation methodology. And as I recall, my concern in  
9 raising this issue is that the evaluation of the Smog Check  
10 program by the Air Resources Board and the Bureau of  
11 Automotive Repair appears to be put together on a kind of a  
12 custom basis from time to time. Even though the agencies  
13 are required to report every two years, as I recall, we've  
14 had a report in the year 2001 and one in the year 2004. I  
15 thought I heard you say, Rocky, that you thought there was  
16 going to be a report in 2006, but in fact, Air Resources  
17 Board has already told us that it will be two more years  
18 before their data analysis contract is complete and the  
19 report is prepared, so there will be no report for two more  
20 years.

21 MR. CARLISLE: No, I was alluding to the one that was due in  
22 January 2003.

23 MEMBER LAMARE: Yeah, and so one of the troubling concerns here  
24 with program evaluation is that, although there are stated  
25 deadlines, those deadlines are never met and there is not a

1 standardized program evaluation methodology, which is kind  
2 of ongoing. There might be a number of ways to address  
3 that issue. I don't see that as an IMRC research program,  
4 as you've alluded to here, that we need this because then  
5 IMRC could report. The fact is that the state agencies are  
6 responsible for evaluating their program and saying whether  
7 or not it's meeting the air quality goals set for it, and  
8 our concern is that unless they do so in a systematic and  
9 regular way, then we don't have - understood, John - we  
10 don't have anything to work with, unless - budget and  
11 program. So these are some of the way - you know, while  
12 these are some of the things that we think should be done  
13 for program evaluation on a routine basis, the point is  
14 that it's a routine basis. It's not something that gets  
15 cranked up every once in a while and then we sort of take a  
16 look at it.

17 MR. CARLISLE: Correct.

18 MEMBER LAMARE: But it seems to me that this Committee should  
19 consider making a recommendation to the agencies that they  
20 actually have an ongoing evaluation unit that is a  
21 permanent part of the annual budget and is budgeted at a  
22 level that allows for these kinds of ongoing evaluation  
23 activities. The data is constantly coming in, and then at  
24 periodic times, it is reported back to us in some way that  
25 allows us, then, to carry out our statutory obligation. So



1 I hope everyone appreciates the difference between what the  
2 agencies do today and what is talked about here, which is  
3 much more of a routine evaluation function, versus an  
4 occasional evaluation study which results in a report which  
5 is put off for many, many months, if not years, that our  
6 expectation would be a much more routinized evaluation  
7 process.

8 CHAIR WEISSER: So your concept in terms of the work of this  
9 Committee would be to identify a series of parameters that  
10 you would think the agencies should be developing data and  
11 performing an analysis on every, you know -

12 MEMBER LAMARE: On a continuous basis.

13 CHAIR WEISSER: On a continuous basis for leading to a report  
14 that would be coming in on a regular basis to us, to other  
15 stakeholders. Rather than the identification of the  
16 particular subject areas, this Committee would go and you  
17 would try to develop a template, essentially, that the  
18 agencies should be following for their ongoing program  
19 evaluation efforts. Is that correct?

20 MEMBER LAMARE: That was the idea.

21 CHAIR WEISSER: Thank you. Dennis, I'm sorry.

22 MEMBER DECOTA: And I don't want - I just want clarification. I  
23 understand, but I've always felt that it was our  
24 responsibility in the IMRC to evaluate the existing  
25 programs and make recommendations.

1 CHAIR WEISSER: Yeah, I don't think Jude is shying away from  
2 that whatsoever.

3 MEMBER DECOTA: No, I know, but if we have to wait three years  
4 for a report, the real world scenario on the street says  
5 this isn't working. We must be able to say we have  
6 insufficient data, but this is what we do have data on, and  
7 be able to make a recommendation. Am I not - am I tracking  
8 properly to what you're saying?

9 CHAIR WEISSER: I'm going to take the question going to the  
10 Chair.

11 MEMBER DECOTA: That's fine.

12 CHAIR WEISSER: I agree completely with you, Dennis. We're not  
13 going to be waiting two years or three years for data  
14 coming from the departments. There are things we can do on  
15 our own to generate at least some data, and there are  
16 things that we can do in terms of our evaluation they don't  
17 need a lot of data on. There's just some things that we  
18 can do. I don't think Jude was saying anything  
19 contrariwise to that.

20 MEMBER DECOTA: We need to compile it in a method that is a  
21 presentation (inaudible) basis, right? I mean -

22 CHAIR WEISSER: I don't know what you mean by that. You better  
23 speak into the microphone.

24 MEMBER DECOTA: What I'm saying is, I need - we waited a long  
25 time for BAR and ARB's last report, which stymied us from

1 getting our reports to the legislature -

2 CHAIR WEISSER: That's correct.

3 MEMBER DECOTA: - on program effectiveness, okay, and what we  
4 felt that was - on an ongoing basis, through our meetings,  
5 are we taking and setting up a methodology of putting  
6 together an annual report?

7 CHAIR WEISSER: That, I think, is personally the problem, and  
8 kind of a fundamental issue that we're going to have to  
9 come to grips with, and Rocky, I don't want to disappoint  
10 you, but I think the chances of getting closure on this  
11 today are somewhere between slim and none. I think because  
12 we have no regular template for how the agencies do the  
13 report, nor do we have any history of regular reporting  
14 from the agencies that could feed into our system, we are  
15 forced to come up with what we're going to do on an annual  
16 basis, to a pretty ad hoc fashion, in a pretty ad hoc  
17 fashion. We've got to identify targets of opportunity that  
18 will, you know, come to light in different forms year by  
19 year when the data sets come from the agencies, hopefully  
20 in response to a template that we send out in one of our  
21 earlier recommendations. At that point in time, we would  
22 regularize the analysis and our comments on the data-based  
23 analyses that comes forward, but I don't think we should  
24 and can wait two years to make important program  
25 recommendations in those areas where you don't need the

1 data, or you have to do something even if you don't have  
2 perfect data. There might be opportunities for us to  
3 generate some data on our own, but considering our  
4 resources and the resources of other stakeholders, that  
5 pales in comparison to what we should be able to get out of  
6 the agencies and what we should be demanding out of the  
7 agencies on a regular basis. So back to the point: my  
8 sense is, is that on this particular item, we need to get  
9 Jude and Rocky together and come up with a template of what  
10 you believe the data needs are going to be. Okay.

11 MEMBER LAMARE: That was well presumed.

12 CHAIR WEISSER: Yeah, I thank you very much on that part.

13 MR. CARLISLE: It wasn't my intent to get consensus today,  
14 because certainly these are broad issues, but it was just  
15 more food for thought than anything.

16 CHAIR WEISSER: And you've achieved whetting my appetite. We  
17 are missing five of our members also, so -

18 MR. CARLISLE: Correct.

19 CHAIR WEISSER: - we're going to have to go through a process  
20 here, I'm afraid. Please continue, Rocky.

21 MR. CARLISLE: So the next issue is OBD II, and as I mentioned  
22 earlier, there's 34 states that currently use OBD II and  
23 I/M testing, but 32 of those use it exclusively for 96 and  
24 newer model years. California is one of the exceptions.  
25 We use the tailpipe, visual, and functional test in

1 addition to OBD II, and Colorado uses OBD II only as an  
2 advisory. Even if the MIL is illuminated, in Colorado the  
3 car is still a passing vehicle provided it passes tailpipe.

4 CHAIR WEISSER: So Rocky, what you're suggesting is, one issue  
5 that we might want to get involved in is to review what's  
6 going on with OBD and to make a report to the  
7 administration and the legislature indicating what we find?

8 MR. CARLISLE: Correct.

9 CHAIR WEISSER: Okay.

10 MR. CARLISLE: And in that endeavor, I would suggest we invite  
11 expert testimony from any, you know, resource available:  
12 ARB, BAR. Colorado certainly has representation.

13 CHAIR WEISSER: EPA.

14 MR. CARLISLE: Tool and Equipment Institute, and I'll explain  
15 that. Vehicle manufacturers, test equipment manufacturers.  
16 Economists is [sic] a big deal, because again, this has a  
17 potential of saving significant amounts of money. And  
18 automotive repair associations.

19 CHAIR WEISSER: Very good.

20 MR. CARLISLE: Some of the issues are in 2010, 67 percent of the  
21 vehicles are going to be equipped with OBD II or higher on-  
22 board systems. The equipment itself is currently  
23 available, so it may not need a new specification, which is  
24 very costly for the state. You save money because the cost  
25 is less due to the economy of scale and it's already proven

1       technology. I mean, OBD II testing is pretty  
2       straightforward. You test for monitors, you know, run to  
3       completion and codes. That's pretty much it. Of course,  
4       you could argue the (overlapping).

5 CHAIR WEISSER: We heard a bunch of stuff today and in other  
6       places where, you know, it's not necessarily reflecting the  
7       same results as other testing protocols.

8 MR. CARLISLE: True, but one of the things that was brought up  
9       that maybe it is possible that an early OBD II MIL,  
10      although it appears to be expensive emissions reductions,  
11      one thing it doesn't take into consideration is the cost of  
12      the test. That's considerable. And then maybe it does  
13      prevent a, you know, a huge failure down the road.

14 CHAIR WEISSER: I don't think this is the time or place to get  
15      into a debate on it, because I do think this is a good  
16      study area for us, and I think folks would appreciate some  
17      third party looking at the issue of OBD. Seems to me to  
18      be -

19 MR. CARLISLE: - hot topic.

20 CHAIR WEISSER: - a pretty interesting topic, sure.

21 MR. CARLISLE: So it may provide the program - it may provide  
22      the program with flexibility needed to implement annual  
23      testing. For example, if you could reduce the amount of  
24      testing or cost of testing, maybe then you could encourage  
25      the legislature to do the annual testing on other vehicles

1 that tend to be a little dirtier. It could reduce the  
2 ability to continue the change of ownership program as  
3 well, because once again, if you change the program too  
4 dramatically, the change of ownership program may be at  
5 risk. Pros and cons based on Oregon test data: it reduces  
6 the test time from the time the consumer steps out of the  
7 vehicle till the time they step back in to six minutes.  
8 Now, if you assume \$75 an hour, you know, that would be  
9 \$7.50. That's not realistic, but that would be a  
10 calculation on the pure test itself. If you assume a \$20  
11 test fee, though, it saves the consumers 260,000,000  
12 annually by 2010. The planning for the 2008/2010 program  
13 change allows the automotive industry to make an  
14 intelligent business decision regarding the Smog Check  
15 program. Do they want to stay? Do they want to get out?  
16 May eliminate some of the marginal emissions reductions.  
17 Some of the marginal emissions reductions may be costing as  
18 much as \$70,000 per ton. On the flip side, it may result  
19 in some emissions losses and it would result in a loss of  
20 revenue to Smog Check stations. So again, just for your  
21 consideration. The other issue we've been talking about,  
22 we talked about today, is the \$450 repair cost limit. BAR  
23 had mentioned last year, I believe, it was 1,200 repair  
24 cost waivers were issued. One of the questions was, do  
25 these include the low-income waivers? Low-income people

1 have a different standard to meet. The normal standard is  
2 \$450, but low income, as I recall, is \$250. Were there  
3 repairs required or did the consumer have estimates that  
4 exceeded the repair cost limit? I don't know the answer to  
5 that question. But a more important question to me was  
6 should waivers even be issued when we have a repair  
7 assistance program? You know, we have a \$450 repair  
8 assistance program. Actually, it's \$500. Even with the  
9 low-income pay, that gives you \$520 to repair a vehicle.  
10 Why are we issuing even 1,200? And then what are the pros  
11 and cons of increasing the repair cost limit? Who's going  
12 to be negatively impacted if we do in fact have a low-  
13 income program? And I can tell you anecdotally, my  
14 experience with the program in years past has been, when  
15 you talk about emissions repairs, if you tell somebody they  
16 have to spend \$150 to repair an emissions device so they  
17 can clean up the air, they'll balk. But if you tell them  
18 it's going to be \$600 to fix their air conditioning, it no  
19 longer is, well, why; it's how soon can I get my car back?  
20 You know, and that's based on just my twenty-six years of  
21 experience in the industry. So it's a matter of choice.

22 CHAIR WEISSER: You're such a cynic.

23 MR. CARLISLE: I know. And finally, one issue that's been  
24 brought up repeatedly, and it may have some validity, but I  
25 think it bears some research, and I'll explain why. First



1 of all, we currently have 1.43 million vehicles registered  
2 through the International Registration Plan. Now, the DMV  
3 estimate is 90 percent of those are diesel-powered  
4 vehicles, which are exempt at this point in time. That  
5 leaves 143,000 gasoline-powered vehicles that have  
6 virtually no Smog Check program at all that I'm aware of.  
7 Now, it depends on the area where they're registered,  
8 because if they're registered in an area in another state  
9 that requires a Smog Check program, then they would be  
10 subject, but just a couple of companies that I did check  
11 on, they happened to be in a - like, would be a change of  
12 ownership area for us, so consequently they have no  
13 emissions testing requirement. That number, by the way,  
14 does not include vehicles coming from Mexico under the  
15 NAFTA program. There could be emissions benefits there  
16 we're not even aware of, and to our knowledge, none of  
17 these vehicles are subject to I/M testing. There was a  
18 program that was going to be started a couple years ago  
19 with border crossing vehicles, but to my knowledge, it  
20 hasn't been implemented to date. It was basically going to  
21 require vehicles coming across the border to be smog  
22 checked if they were dirty, but I don't know what the  
23 status of that is yet. But the IRP, it does require some  
24 more research. We should be validating the number of  
25 gasoline-powered vehicles, maybe assess the emissions from

1       this fleet. That's going to be the difficult part, but  
2       it's possible to do it with remote sensing, with a small  
3       sample of vehicles. We can also talk to the American  
4       Association of Motor Vehicle Administrators, get testimony  
5       from them. We can get DMV expert testimony, but the bottom  
6       line, even if we find that there's an issue with these  
7       vehicles, the best we could hope to do would be get a  
8       legislative resolution seeking a change - [coughs] Excuse  
9       me - because this is really a federal issue that we have no  
10      control over directly. And that, Mr. Chairman, concludes  
11      my report.

12 CHAIR WEISSER: Thanks very much. Good job. If we had gotten  
13      to the subject when I thought we were going to get to it,  
14      Rocky, I'd now say we need about a 15 minute break for me  
15      to medicate myself and do some heavy thinking. Excuse me?

16 FEMALE: Let's work on it in December.

17 CHAIR WEISSER: My belief is that what we need to do - by we, I  
18      mean you - is to individually call each member of the IMRC  
19      and ask - do not do this by E-mail, cause you know how bad  
20      we are on E-mail - and ask them what are the three things  
21      that you would like us to focus on next year? And if they  
22      go to four or five or six, that's okay, but get three  
23      things out of them. Give them a list of suggestions. You  
24      can send that out by E-mail, but we need to solicit ideas  
25      from our members in a way that will, I think, have to

1 replicate something like what we did our last time around,  
2 where we had a list of potential issues up on the wall and  
3 we kind of put our energy into where we had energy. I like  
4 the context of your 2010 vision, but I have to say, it  
5 ain't my 2010 vision, and I doubt it's reflective of  
6 anybody's two thousand - we all have different ideas of  
7 what a future might look like, and it might be an  
8 interesting time for - it might be an interesting period of  
9 time for us to cut out an hour or two one meeting and just  
10 talk about, what do we see this program like in 2010, 2020?  
11 But I think for what we need now is that very nitty-gritty  
12 list of subject areas that we're going to try to focus on  
13 to make a report to the legislature on recommendations that  
14 would hopefully provide help and assistance to BAR and to  
15 ARB in meeting their giant responsibilities. Issues that  
16 aren't on here that I'd be tossing out would include, show  
17 me the money. Where is the money that goes into the Smog  
18 Check program? How is that used? How much of it has been  
19 borrowed? We know that it's \$114,000,000. What's the  
20 status of that? I want to highlight that money, guys. I  
21 think we gotta keep shining a light on it or we'll never  
22 see that money come back to clean the air. I'm also  
23 interested in having a real audit on how the money that  
24 comes into the program is used in ongoing operations at BAR  
25 and elsewhere.

1 MR. CARLISLE: When you say real, you're talking about D of F or  
2 outside?

3 CHAIR WEISSER: I don't think you can go to Department of  
4 Finance for that kind of an audit. I think you have to  
5 have an outside auditor.

6 MR. CARLISLE: Okay.

7 CHAIR WEISSER: Now, whether that's the Auditor General or an  
8 external auditor, I don't know. And I don't know if that's  
9 the most important thing. I don't know if other people are  
10 interested in that either. It may not be a big issue. I  
11 don't think that sort of audit's been done for the program  
12 for quite a period of time. Is it time? I don't know, but  
13 I guess that's one I'd throw out. I'll bet there are other  
14 ideas that our members, new and old, will have on issues  
15 they're interested in following up, and that's what I think  
16 we need to do.

17 MR. CARLISLE: Again, the whole idea behind this was just to  
18 spur some interest and get some input.

19 CHAIR WEISSER: You've done that, and I hope you have the  
20 Oakland Raiders lineman here ready to escort you out,  
21 Rocky, because you are not without controversy. You've  
22 said things that people have thought about. I mean,  
23 everybody in this room must have been thinking about, you  
24 know, is there going to be a confluence of OBD 14 and  
25 remote sensing that's going to make the notion of having

1 test and repair and test-only stations obsolete, you know?

2 MR. CARLISLE: That's a possibility, but by the same -

3 CHAIR WEISSER: Well, I have a real hard time actually believing

4 it ever will be a reality, but I think we're certainly

5 seeing a situation where you don't - you know, with OBD

6 that works and remote sensing that works. You might have

7 far fewer need for a large number of stations.

8 MR. CARLISLE: Exactly.

9 CHAIR WEISSER: I do think you're going to need test and repair

10 stations, but other people here may not. It might be real

11 interesting for us to have this kind of very open

12 discussion about what, you know, what in the world of Tom

13 Swift are we going to have as, you know, a test industry?

14 MR. CARLISLE: Well, again, I think, you know, one of the things

15 that happens, we come down to the wire and oftentimes as a

16 result of a lawsuit by somebody else that all of a sudden,

17 we have to implement these things and it's done at very

18 quick, very short notice, and the industry doesn't get the

19 opportunity to really make a decision.

20 CHAIR WEISSER: But there are a lot of nitty-gritty issues that

21 have come to our attention over the past couple of years

22 that might be good fertile subjects for us to dive into.

23 The high emitter profile, how is that developed? Are we

24 comfortable with how that's used?

25 MALE: Hybrid vehicles and their impact.

1 CHAIR WEISSER: Hybrid vehicles, that's a good idea. The issue  
2 that we raised and made a recommendation in our last report  
3 regarding annual inspections for high mileage vehicles and  
4 for older vehicles, I'll be damned if I'm going to let that  
5 die. I mean that's an issue where we need to keep pushing  
6 and if it requires a supplemental report, so be it. We  
7 should be pushing that. It's a very difficult issue for  
8 the political arm of our decision-making process to get  
9 around, to get their arms around, and they'll never do it  
10 unless we keep putting it up there, if we believe that  
11 continues to be a good recommendation. I personally do,  
12 but maybe there's - maybe I'm wrong. Anyhow, Rocky, over  
13 the holidays, I would ask you to contact each and every  
14 member to come up with a list of things that they're  
15 interested in doing. I like what you've done, Rocky,  
16 because you just added something to our list, and I think  
17 it might be really interesting to carve out a meeting where  
18 we talk about what's this program? You know, how would you  
19 envision this program in 2010 and 2020? It might be very,  
20 very interesting and frightening. Who knows? Is that  
21 suitable for the rest of the Committee? Is the Committee  
22 comfortable with what I've just outlined? Okay, then so be  
23 it. We're now going to move to the public comment portion  
24 of the agenda. Whoops, what did I miss?

25 FEMALE: 14-A. 14-A.

1 CHAIR WEISSER: I'm so sorry. We have report topics and we have  
2 a preconditioning work. A lot of work has been done on  
3 this and we want to thank the folks that have done that.  
4 And do you want to kick this off, Rocky?

5 MR. CARLISLE: We can kick that off or we can postpone it till  
6 the next meeting. Your call.

7 CHAIR WEISSER: I'll go with the will of the Committee. Do we  
8 want to do it now? Anybody object to doing it now? Then  
9 let's do it now. How long will it take? Half an hour?

10 MALE: I don't think it'll take a half hour.

11 FEMALE: (Inaudible.)

12 CHAIR WEISSER: Okay, please.

13 - oOo -

14 MR. CARLISLE: Okay. This is just preliminary results of the  
15 preconditioning survey we've been working on for a while.  
16 And as you recall, the purpose was determine whether or not  
17 there was a problem with vehicles that were not properly  
18 preconditioned prior to testing, and it could result in  
19 false failures, commonly referred to as errors of  
20 commission. And of course, the potential impact is, it's  
21 time consuming for the consumer and there's an increased  
22 expense involved for the consumer as well. So a little bit  
23 of background. Preconditioning is actually required by the  
24 Health and Safety Code, but currently there's no specific  
25 definition. I mean, preconditioning - the Health and

1 Safety Code says that the vehicle emission systems shall be  
2 warmed up to operating temperatures and stabilized  
3 operation. Other than that, it doesn't say how you get  
4 them to that condition. The Smog Check inspection manual  
5 suggests, in pertinent part, that the technician perform  
6 the following: turn off all vehicle accessories. Make sure  
7 the vehicle's engine is warmed up to normal operating  
8 temperatures, and it suggests you can do that in a variety  
9 of ways: by checking the upper radiator hose, using an  
10 infrared barometer, which is a device to check the actual  
11 temperature, check the temperature gauge, just a variety of  
12 ways. But the manual also prohibits any excessive  
13 preconditioning. Unfortunately, it has no force of law.  
14 None of these do because they're not codified in  
15 regulation. And there's a number of things they suggest.  
16 Even in 1998, as I recall, there was a special ET blast  
17 that went out to all Smog Check stations and it was  
18 followed up in the Smog Check advisories on the proper  
19 methodology for preconditioning an ASAM vehicle, and it  
20 essentially said, let it idle for three minutes. But once  
21 again, that was only advisory. There's no way to enforce  
22 that. So the methodology we use was to develop a telephone  
23 survey. We came up with a questionnaire and it had 20  
24 questions, four of which were demographic in nature, and we  
25 selected a random sample of stations with the help of



1 Jeffrey Williams. And the criteria was, we wanted stations  
2 that had averaged 100 tests per month for the last 90 days.  
3 Now, bear in mind that that sample was taken in December  
4 for October through December of 2004, so consequently there  
5 were higher volume stations then than when we actually did  
6 the survey, because in the process, the reductions took  
7 place. So the survey's conducted. They were conducted  
8 during normal business hours from July 28<sup>th</sup> through October  
9 6<sup>th</sup>. We completed 397, and I have to tell you, the shops,  
10 in spite of some of the concern, they were very supportive  
11 and very helpful. Some of them would go on and on. They'd  
12 still be talking to Janet if she'd allowed it, and she did  
13 an excellent job in conducting those surveys, because I  
14 should mention, we did those in house, and she did every  
15 one of them.

16 CHAIR WEISSER: Where did our surveyor disappear to?

17 MR. CARLISLE: I don't know.

18 FEMALE: She's at the (unclear).

19 CHAIR WEISSER: Please continue.

20 MR. CARLISLE: So one of the interesting things, when asked  
21 whether or not they preconditioned the vehicle before smog  
22 check, technician responded - 39 percent said all the time,  
23 37 1/2 percent said some of the time, and 23.4 percent said  
24 never. Now, the problem with the never: I'm suspicious of  
25 that, because I can't imagine a technician bringing a

1 vehicle in that's stone cold and just running it on the  
2 dynamometer. I haven't seen it happen in practice, but -

3 CHAIR WEISSER: Because it would fail?

4 MR. CARLISLE: Because it would probably fail.

5 CHAIR WEISSER: But wouldn't failures potentially result in -

6 MR. CARLISLE: - higher repair costs? Yes.

7 CHAIR WEISSER: Yeah. Okay, go on.

8 MR. CARLISLE: And then the preconditioning procedures were  
9 determined by a number of ways; for example, wait time. 60  
10 percent of the respondents said wait time was what they  
11 determined for preconditioning. Vehicle age was another  
12 and, of course, mileage was 19 percent of the time. Test  
13 and repair stations appear to precondition more often than  
14 test-only stations, but I should mention that when you  
15 looked at the data, it was pretty obvious, because at test  
16 and repair stations, they also waited longer before the  
17 test, you know, as opposed to test-only stations. Test-  
18 only stations typically, you know, they're just in and out,  
19 and many test and repair stations, you have to make an  
20 appointment to get a test and the subsequent repair. But  
21 one thing the survey did suggest was possibly some  
22 confusion among technicians as to what the preconditioning  
23 was about, because many of them said that it's illegal to  
24 precondition the vehicle. As I mentioned before, in  
25 contrast, the law says you shall precondition. It doesn't

1 give an option. So the question is, what is  
2 preconditioning? It's not defined anywhere. So the goal  
3 of the report was really to determine if a preconditioning  
4 problem exists, contributes to false failures, and a ping-  
5 pong effect. And one of the things we found, and this is  
6 at a minimum, I should mention, but based on the survey,  
7 1.1 percent of the failed vehicles could be false failures.  
8 Okay. That's very conservative, and if you apply the 2000  
9 -

10 CHAIR WEISSER: Excuse me, Rocky, how did you derive that  
11 number? You have some stats you can share with us later?

12 MR. CARLISLE: Yes, this is the number - yes.

13 CHAIR WEISSER: Okay, thank you.

14 MR. CARLISLE: Then we looked at the BAR 2005 Executive Summary  
15 Data Report, and we took that 1.17 percent and applied that  
16 to the fail rate and it could be costing consumers \$836,000  
17 a year. Now, I should mention that the 1.17 percent false  
18 fail, if it is a valid false fail figure, it's well within  
19 the five percent allowed by statute. But by the same  
20 token, it's still over \$800,000 it could be costing  
21 consumers. And the question was asked, basically, has a  
22 vehicle come into your shop that previously failed at  
23 another station and passed at your shop with having no  
24 repairs? So one of the issues is, are we sure they had no  
25 repairs? You know, it's all based on the survey

1 respondents. So the only recommendation we really came out  
2 of this was to - a couple things: clarify the sections of  
3 the Smog Check Inspection manual regarding preconditioning  
4 and then consider specific preconditioning procedures or  
5 multiple preconditioning procedures that you would codify  
6 in regulation that you could say, you know, you have to use  
7 one of the following for the sake of consistent test  
8 results. And that pretty much concludes the update for  
9 this report. Everybody has a copy. I've provided copies  
10 on the table as well, and I also forwarded a copy to BAR  
11 and ARB - not ARB, but BAR - of the draft report.

12 CHAIR WEISSER: Thank you, and now that Janet's back in the  
13 room, on behalf of the committee, Janet, we all thank you  
14 for your work in dialing for dollars. Well, it wasn't  
15 really dialing for dollars; it was dialing for surveys on  
16 this. Survey work is tough, and I'm pleased to hear the  
17 report, how cooperative the service - the folks were, the  
18 station folks were. But I'm sure that's due to your sylvan  
19 voice greeting them over the ether. You know, the issue  
20 here - somebody correct me if I'm wrong - is, do we now try  
21 to translate this survey into, you know, this draft report  
22 into a final report which we send to BAR and ARB and send a  
23 copy to the legislature, whatever. And if we do, what do  
24 we say in that report? I mean, it seems that the existing  
25 structure requires, without specific direction,

1 preconditioning. I'm very curious, and I'd like to, at  
2 least next meeting -

3 CHAIR WEISSER: - to this Committee coming to the decision as to  
4 whether some additional direction is desirable, that we  
5 would recommend additional direction be provided. So would  
6 that be possible? All right, so you'll share the  
7 information that you've garnered to date, the draft, with  
8 BAR, ask them to look at it.

9 MR. CARLISLE: They already have a copy.

10 CHAIR WEISSER: And I'd like to - how long have they had it?

11 MR. CARLISLE: Only about a week.

12 CHAIR WEISSER: Yeah, so that's - have you had a chance to look  
13 it over? Do you have any reactions? What do you think we  
14 ought to do?

15 MR. COPPAGE: (Overlapping.) Alan Coppage, Bureau of Automotive  
16 Repair. Yes, I have. I took a look at it. Rocky was nice  
17 enough to get it to me very quickly. Took a look at it and  
18 he and I have even spoken about it on the phone. As the  
19 preliminary report does allude to, there seems to be a  
20 significant amount of confusion over the definition of the  
21 word preconditioning. Ask that of 15 different people,  
22 you're going to get a lot of different responses. I was  
23 actually just going over the fancy blue book in our section  
24 that addresses before-test conditions, and we have massaged  
25 this for years on how best to respond to someone who said

1 well, that's not the way I read it. Oh, well then, how  
2 would it better suit you? So we put pen to paper and we  
3 attempt to do that and somebody else infers something, so  
4 on and so forth. So as I was looking at this, these are  
5 how the technician begins the emissions portion of the  
6 inspection, how they determine if the vehicle is ready to  
7 be inspected, and as we looked at that from a licensed  
8 technician's perspective - and I did these many times for a  
9 living - how you view that vehicle is how you assess its  
10 readiness. And if you assess its readiness as being ready,  
11 you're going to say, I won't precondition. And then the  
12 word preconditioning comes up, another technician says,  
13 well, I thought BAR said you can't do that. See all the  
14 faces of the Committee members are looking at me going,  
15 what?

16 CHAIR WEISSER: You're making a good case that some sort of  
17 clarity needs to be added.

18 MR. COPPAGE: And the point - well, and the point is, that has  
19 been an ongoing struggle for the Bureau to try and have  
20 concise, complete clarity for every reader, and we do  
21 receive input. And the fact that we have modified it and  
22 clarified it over the years is testament to the fact that  
23 we do listen to the technicians as they say, I don't really  
24 understand what you're asking me to do. So this has  
25 received numerous iterations.

1 CHAIR WEISSER: This particular aspect?

2 MR. COPPAGE: Yes, absolutely. Yeah, and I've got a whole stack  
3 of these blue books, multiple revisions, and every one you  
4 read are different, because we're attempting to clarify and  
5 re-clarify and re-clarify what those requirements are.

6 CHAIR WEISSER: Thank you, I think. Please, Dennis?

7 MEMBER DECOTA: I think he's being - gentleman's being very  
8 honest in what he's saying. I think that is the industry's  
9 - is very, very confused. I don't think putting it in the  
10 manual is going to accomplish anything. I think if you put  
11 it on the menu and they had to answer the questions, they  
12 would do it and it would be done. It's a simple, you know.

13 MR. COPPAGE: I appreciate your comments, Dennis. Thank you,  
14 and I can tell maybe by the look on your face, this is  
15 coming from a BAR-90 world. In the old days, when the BAR-  
16 90 machine, as you did your two speed idle test with the  
17 old platforms, it would say, the vehicle has failed;  
18 prepare to perform preconditioning. And it told you  
19 exactly what to do and how to do it, and for how long to do  
20 it. Those of us that come from that understand that clear  
21 procedure. Those that have not experienced that don't have  
22 a foundation to build upon. The new technicians are  
23 saying, wait a minute, preconditioning? Hang on a second.  
24 What are you guys talking about? The old timers look at  
25 that and say, I know exactly what we're talking about. So

1       that is the struggle from the Bureau of Automotive Repair's  
2       perspective, is to put pen to paper in a language that  
3       everyone will understand.

4 CHAIR WEISSER: Well, you guys are the expert.

5 MR. COPPAGE: If I could find that author, I'd love to put a pen  
6       in his hand.

7 MR. CARLISLE: I should mention, too, that BAR did, to some  
8       extent, a parallel survey in the Sacramento area -

9 CHAIR WEISSER: Cool.

10 MR. CARLISLE: - because they were asking similar questions. We  
11       had probably a dozen people allude to that when we were  
12       talking to them, well, you're the second person that's  
13       talked to us. And when we checked, it was, you know,  
14       somebody we know at BAR and they were doing a parallel  
15       analysis. And so I'd be - I'd want to ask BAR to sit down  
16       with them and compare their analysis to ours before we  
17       finalize this.

18 MR. COPPAGE: That'd be very helpful for both parties.

19 CHAIR WEISSER: Jude?

20 MEMBER LAMARE: Thank you, Mr. Chairman. If it is the age of  
21       the technician that's highly related to the level of  
22       confusion, then question 20 asks how long have you been a  
23       licensed Smog Check technician, and if that's the case,  
24       then we should see a statistically significant difference,  
25       and let's hear back on that.



1 CHAIR WEISSER: Well, Rocky, where do you recommend we go from  
2 here? You have a draft report?

3 MR. CARLISLE: I have a draft report, but it is a rough  
4 draft, admittedly. I would like to meet with BAR, like I  
5 say, and look at their data as well, and then make some  
6 recommendations to the Committee.

7 CHAIR WEISSER: Fine, and who is acting on the Committee? Do  
8 you have any - You're working with Dennis, I'm assuming.

9 MR. CARLISLE: Bruce and Dennis.

10 CHAIR WEISSER: Bruce and Dennis, terrific. I don't know if  
11 it's legal, but it seems to me that Roger ought to be  
12 involved in this, too.

13 MEMBER NICKEY: Boy, do I agree with that.

14 CHAIR WEISSER: So I don't know how you can do it.

15 MR. CARLISLE: I'll talk to Bruce and see if he wants to step  
16 aside for that and we'll assign him to the (unclear)  
17 Committee.

18 CHAIR WEISSER: I think that would be a good idea to get both  
19 our test and repair and test-only rep involved.

20 MR. CARLISLE: And if (overlapping) -

21 CHAIR WEISSER: No, you're stuck. You're not going - you're not  
22 going anywhere, fella.

23 MR. CARLISLE: That takes care of that.

24 MEMBER NICKEY: Are you suggesting that Dennis and I work  
25 together?

1 CHAIR WEISSER: Yes, I am.

2 MR. CARLISLE: This should be interesting.

3 CHAIR WEISSER: We're going to expect you guys to hold hands and  
4 sing "Kum Ba Yah" at the next meeting.

5 MEMBER NICKEY: You know, we did work together at one point.

6 CHAIR WEISSER: You don't really know it, but you are working  
7 together right now.

8 MEMBER NICKEY: That's good.

9 CHAIR WEISSER: You really are. I mean, okay.

10 MALE: Can I just ask a question real quick?

11 CHAIR WEISSER: Please, but let's -

12 MALE: On the questionnaire, as Jeff pointed out, it says, how  
13 long have you been a licensed Smog Check technician? Did  
14 we ask that?

15 MR. CARLISLE: Yes, we did. That was one of the demographics.

16 MALE: So those data are somewhere in the mix.

17 MR. CARLISLE: We have that, yes.

18 MALE: So we could take a look, as Jude suggests, to correlate.

19 CHAIR WEISSER: Okay, is there any further discussion on this  
20 item? Good. Hearing none, we're now at our time for  
21 public comment.

22 - o0o -

23 Is there anyone that has any public comments they want to  
24 make? Mr. Rice?

25 MR. RICE: Thank you, Committee. I'll go quick. I'm not quite

1       sure how to address this, but there's something kind of  
2       strange going on out in the real world in terms of Smog  
3       Check test and repair versus test-only. A new phenomenon  
4       happens to be that the test-only guys - and I'd like to  
5       kind of direct this to the BAR guys while they're here -  
6       they will charge one price to a customer that comes in  
7       who's a test-only customer and a different price to  
8       somebody else, so it's kind of like going to McDonald's and  
9       getting a single patty and getting charged double patty  
10      price when you're still going to get the single patty  
11      burger.

12 CHAIR WEISSER: Well, their sense, Bud, is they have a captive  
13      audience, in some ways.

14 MR. RICE: Right, right.

15 CHAIR WEISSER: So you think they're taking advantage of the  
16      directed customers, then?

17 MR. RICE: Yes.

18 CHAIR WEISSER: Who, of course, have the option of flipping the  
19      guy off and going down to the next test-only station,  
20      right?

21 MR. RICE: Yes, I'm not sure if that is approved by BAR, and  
22      really, if it is -

23 CHAIR WEISSER: I have no idea.

24 MR. RICE: Really, if it is, that's fine, but it's something  
25      kind of strange about that.

1 CHAIR WEISSER: I agree. It's not a business model, I suspect,  
2 will be particularly successful, but perhaps our test-only  
3 representative or our test and repair representative has  
4 something they'd like to add. Roger?

5 MEMBER NICKEY: Well, that's right, and I've seen them. They  
6 charge up to \$20 extra for test-only. I've also seen them  
7 charge \$20 for extra for no paperwork. If you arrive  
8 without your renewal form, since you don't have a barcode  
9 to scan, they charge \$20 extra. I have also seen them  
10 charge extra for document transmittal. I've seen them  
11 charge extra for timing checks, EGR functional checks, and  
12 all the stuff that should be part of the test, and I've  
13 been screaming about this for quite some time.

14 CHAIR WEISSER: These are test-only stations, you're saying, or  
15 are these all stations?

16 MEMBER NICKEY: Let's just say all stations.

17 CHAIR WEISSER: Okay, if that's how you want to - I don't have  
18 any idea if it's illegal for them to have differential  
19 pricing. Maybe the folks from BAR could illuminate us, and  
20 I see Randy is now anxious to engage, so that's good.

21 MR. COPPAGE: Again, Alan Coppage, Bureau of Automotive Repair.  
22 The Bureau of Automotive Repair does not regulate price.  
23 That is not the business that we are in. We have not,  
24 other than the price of the certificate, been given the  
25 authority to say what Smog Checks will be charged for.

1 CHAIR WEISSER: Thank you. Dennis? Hang on. Dennis?

2 MR. DECOTA: But isn't it true that your advertised price is the  
3 price you must charge?

4 MR. COPPAGE: Absolutely.

5 MR. DECOTA: Thank you.

6 MR. COPPAGE: Yes.

7 CHAIR WEISSER: Randy, do you have something you'd like to add?  
8 You've been so unusually quiet today.

9 MR. WARD: Mr. Chair, Members, as long as they have a posted  
10 price, I think by law, they have to post their price for  
11 every type of test that they conduct. They also have to  
12 post, in the case of test and repair, their hourly labor  
13 rate, so they can charge pretty much whatever they want,  
14 but it's kind of interesting. Take a look at a *Pennysaver*  
15 or *Magic Ads*. You will see \$10 smog tests, and then  
16 there'll be a lot of fine print that is probably two point  
17 type that you need a magnifying glass to read, but it means  
18 you have to make an appointment, it's only for qualifying  
19 vehicles. There's all kinds of disclaimers in it, but you  
20 will find numerous examples of those, and I suspect BAR  
21 enforcement - at least, I hope they do - is looking at the  
22 *Magic Ads* and the *Pennysavers* and using that as one of  
23 their directives to initiate some enforcement efforts.  
24 Anyway, thank you.

25 CHAIR WEISSER: Thank you. Bud, thanks for raising this

1 question. It's an interesting one. Roger, you had  
2 something you wanted to add?

3 MEMBER NICKEY: Just quickly. If you're going to advertise a  
4 price for smog check, which you have to do, you should  
5 include entire smog check, which may or may not include a  
6 timing check, which may or may not include a functional EGR  
7 check. I don't think you should advertise a smog check and  
8 say, oh, by the way, your vehicle requires an EGR  
9 functional, so now I'm going to charge you extra for that,  
10 when it's supposed to be part of the test.

11 CHAIR WEISSER: Well, you know, what I think we're dealing with  
12 here is a situation that's better dealt with in the  
13 specific instance than in the generic, and what would be  
14 pleasing to this member of the Committee is, if you see -  
15 and I'll extend that to everyone. If you see an activity  
16 that you believe is improper and illegal, that you report  
17 it to the BAR enforcement people and you also follow up  
18 with us to inform us about how the BAR enforcement program  
19 was able or not able to bring the case to closure. Now, I  
20 know in some enforcement programs, they're not allowed to  
21 reveal the specific outcomes of investigations, but they  
22 can certainly - you'd be able to tell if they investigated  
23 it and if they have concluded the investigation. But, you  
24 know, it seems to me that an awful lot of work goes on in  
25 programs like this. There's an awful lot of self-

1 regulation that comes about through peer pressure and  
2 through peers in the industry ratting out each other, and I  
3 encourage that. Yes, Dennis?

4 MEMBER DECOTA: And not to belabor it, but I mean, the positive  
5 part about this dialogue is that maybe BAR in its  
6 informational pamphlets to consumers explain their rights  
7 as far as the cost of the smog check. I think that is a  
8 very positive thing.

9 CHAIR WEISSER: Dennis, now we know why you're on this  
10 Committee. I think that's an outstanding thing that we'd  
11 like you to consider.

12 MR. COPPAGE: When they say the ARB webpage was mentioned  
13 earlier by you, I believe, Chair. The BAR webpage, while I  
14 don't have the specific number of hits, it gets more hits  
15 every day than it has the day prior. We have very clear  
16 links for consumers on how to prepare for your smog check:  
17 what you need to know, what you need to take with you,  
18 because an educated consumer is a very empowered consumer.  
19 Sometimes that information is there, but you have to go get  
20 it. Again, we look at the traffic across our webpage  
21 dealing with mailing and we're trying to deal with DMV to  
22 put inserts in those kind of things. That is a very, very  
23 difficult process and it's very costly, so we try and make  
24 the information as readily available to motorists as we  
25 possibly can. Again, look at our webpage, like our Smog

1 Check inspection manual. It changes just about daily with  
2 information that comes about through the discourse with the  
3 public. There's confusion about this? Hey, let's throw it  
4 on the webpage and see if we can clear that up, so that's  
5 our best mechanism for sharing that information.

6 CHAIR WEISSER: Rather than the insert in the one thing every  
7 consumer we know will get, is that DMV renewal with that  
8 slip in it that tells you. Well -

9 MR. COPPAGE: That has the direct dollar amount tied to it as  
10 well.

11 CHAIR WEISSER: Okay, and I accept what you're saying, Alan.

12 I'm just not sure I agree with you. That piece of paper, I  
13 think, is the crucial entry point for your program into the  
14 consumer's mind. I'm not any sort of expert on what  
15 portions of the program you need to mention in that form  
16 and not, because that's specialized information, but I have  
17 some experience with this, both in dealing with DMV when I  
18 was in state government, and also dealing with the  
19 utilities when we would force them to include inserts as a  
20 regulator. That's a great place for accessing the public,  
21 and there are a whole bunch of people who don't have web  
22 access who are the least of our - the least educated  
23 consumers.

24 FEMALE: We know.

25 CHAIR WEISSER: We're throwing this out. It's an issue that I'm



1 glad you raised it, Dennis. I think we should - Jeffrey,  
2 thank you.

3 MEMBER WILLIAMS: I have an anecdote from a woman who works in  
4 my department, knows I'm on this Committee. Asked me for  
5 help in picking a Gold Shield station (inaudible). She was  
6 test-only and failed and was told about Gold Shield, and I  
7 said, well I didn't know the particular stations or  
8 anything like that. Her main question was, so how much did  
9 the stations in Gold Shield have to pay to be in the  
10 program so that only they could do the repairs for me? And  
11 I thought, boy, we're miscommunicating something, where our  
12 very best stations are perceived by consumers as having  
13 bought that right. That was a depressing moment  
14 (overlapping).

15 CHAIR WEISSER: You know, I think that raises a real underlying  
16 question - thank you very much, Alan - that I guess I want  
17 to put out there on our agenda as something we may want to  
18 think about on a strategic level. And the issue to me is,  
19 how do you reward the best performing stations? How do you  
20 structure a program that provides them with a reward? Best  
21 performing in terms of accurate, failure, diagnosis,  
22 performance in terms of on the repair side, repairs that  
23 last longer than two weeks. How do you structure something  
24 where you're in a - we're currently in a situation where  
25 there's, you know, too many stations for the business

1       that's out there, and maybe there's a way to cull the  
2       lowest performing and the poorest acting stations, test and  
3       repair and test-only. Something you might want to think  
4       about. I'm going to put that in as a study item  
5       suggestion.

6 MR. CARLISLE: You've got it.

7 CHAIR WEISSER: Okay, ladies and gentlemen, we are for the first  
8       time during my tenure, 22 minutes over the bewitching hour.  
9       This will never happen again, I hereby swear and affirm. I  
10      am looking desperately for -

11 MEMBER DECOTA: I motion to return.

12 MEMBER HISSERICH: Second.

13 CHAIR WEISSER: I hear, and I hear, so this was by Mr. DeCota,  
14      seconded by Mr. Hisserich. Is there any discussion?  
15      Hearing none, the meeting is hereby adjourned. Thank you  
16      very much and happy holidays to everybody.

17                   **- MEETING ADJOURNED -**

18                   - o0o -

TRANSCRIBER'S CERTIFICATION

This is to certify that I, MATTHEW YATES, transcribed the tape-recorded public hearing of the Bureau of Automotive Repair dated November 22, 2005; that the pages numbered 1 through 235 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

Dated December 2, 2005.

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Matthew Yates, Transcriber  
Foothill Transcription